

CONTEMPORARY PRACTICE OF THE UNITED STATES RELATING TO INTERNATIONAL LAW

EDITED BY JEAN GALBRAITH*

In this section:

- United States Recognizes the Opposition Government in Venezuela and Imposes Sanctions as Tensions Escalate
- The State Department Designates Iran's Islamic Revolutionary Guards Corps as a Foreign Terrorist Organization
- United States Recognizes Israeli Sovereignty Over the Golan Heights
- D.C. District Court Enters Over \$300 Million Default Judgment Award Against Syria for the Death of Marie Colvin
- The Trump Administration Revokes the ICC Prosecutor's U.S. Visa Shortly Before the ICC Pre-Trial Chamber Declines to Authorize an Investigation into War Crimes in Afghanistan
- United States Initiates Withdrawal from Intermediate-Range Nuclear Forces Treaty
- U.S. Military Undergoes Restructuring to Emphasize Cyber and Space Capabilities
- The United States Resolves Its Request for Consultations Regarding Peru's Environmental Obligations Under Bilateral Trade Agreement

* Kristen DeWilde, Emily Kyle, Patricia Liverpool, Sabrina Ruchelli, Jenna Smith, and Brian Yeh contributed to the preparation of this section.

* Kristen DeWilde, Emily Kyle, Patricia Liverpool, Sabrina Ruchelli, Jenna Smith, and Brian Yeh contributed to the preparation of this section.

GENERAL INTERNATIONAL AND U.S. FOREIGN RELATIONS LAW

United States Recognizes the Opposition Government in Venezuela and Imposes Sanctions as Tensions Escalate

doi:10.1017/ajil.2019.41

The Trump administration formally recognized Juan Guaidó as the interim president of Venezuela on January 23, 2019, making the United States the first nation to officially accept the legitimacy of Guaidó's government and reject incumbent President Nicolás Maduro's claim to the presidency. In a campaign designed to oust Maduro from power, the United States has encouraged foreign governments and intergovernmental organizations to recognize Guaidó and has imposed a series of targeted economic sanctions to weaken Maduro's regime. As of June 2019, however, Maduro remained in power within Venezuela.

Maduro was elected for a second presidential term of six years in May 2018, after an election that was criticized as unfair and illegitimate.¹ Several days before his inauguration on January 10, 2019, the Lima Group announced that it would not recognize the legitimacy of Maduro's second term and urged Maduro not to assume the presidency.² On the day of Maduro's inauguration, Secretary of State Mike Pompeo "condemn[ed] Maduro's illegitimate usurpation of power" and "reiterate[d] [U.S.] support for Venezuela's National Assembly, the only legitimate branch of government duly elected by the Venezuelan people."³

Five days prior to Maduro's inauguration, Guaidó was sworn in as the leader of the National Assembly and swiftly invoked Article 233 of Venezuela's Constitution, which provides for the temporary transfer of powers to the president of the National Assembly in the absence of a duly elected president.⁴ Guaidó declared himself interim president of Venezuela on January 23, 2019.⁵

¹ William Neuman & Nicholas Casey, *Venezuela Election Won by Maduro Amid Widespread Disillusionment*, N.Y. TIMES (May 20, 2018), at <https://www.nytimes.com/2018/05/20/world/americas/venezuela-election.html>. Secretary of State Mike Pompeo disclaimed the election process as an "unconstitutional interruption of Venezuela's democratic order." U.S. Dep't of State Press Release, Secretary Pompeo's Participation in a Meeting of the Lima Group (May 14, 2018), at <https://www.state.gov/secretary-pompeos-participation-in-a-meeting-of-the-lima-group> [<https://perma.cc/M3LT-SQLT>].

² The Lima Group was formed on August 8, 2017, in response to the critical situation in Venezuela. Declaración de Lima [The Lima Declaration], Aug. 8, 2017, at http://www.rree.gob.pe/SitePages/declaracion_conjunta.aspx?id=DC-007-17. The Lima Group consists of the following countries: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, and Peru. *Id.* The January 2019 announcement included Guyana and St. Lucia and did not include Mexico. Declaración del Grupo de Lima [Declaration of the Lima Group], Jan. 4, 2019, at <https://www.gob.pe/institucion/rree/noticias/24270-declaracion-del-grupo-de-lima>. The meeting preceding this announcement also included U.S. Secretary of State Mike Pompeo. Megan Specia, *Envoys Denounce Venezuela's Maduro and Urge Him to Cede Power*, N.Y. TIMES (Jan. 4, 2019), at <https://www.nytimes.com/2019/01/04/world/americas/diplomats-venezuela-maduro.html>.

³ U.S. Dep't of State Press Release, *Actions Against Venezuela's Corrupt Regime* (Jan. 10, 2019), at <https://www.state.gov/actions-against-venezuelas-corrupt-regime> [<https://perma.cc/4D2Q-9AFL>].

⁴ Edward Wong, *Pence Tells Venezuelans That U.S. Backs Efforts to Oust Maduro*, N.Y. TIMES (Jan. 22, 2019), at <https://www.nytimes.com/2019/01/22/world/americas/venezuela-usa-nicolas-maduro.html>; CONSTITUCIÓN DE LA REPÚBLICA BOLIVARIANA DE VENEZUELA [CONSTITUTION] 1999, Art. 233.

⁵ Joe Parkin Daniels & Mariana Zúñiga, *Venezuela: Who Is Juan Guaidó, the Man Who Declared Himself President?*, GUARDIAN (Jan. 23, 2019), at <https://www.theguardian.com/world/2019/jan/15/juan-guaido-venezuelan-opposition-leader-challenging-maduros-rule>.

Also on January 23, the United States recognized Guaidó as interim president of Venezuela.⁶ Pursuant to his exclusive authority as a matter of U.S. constitutional law to recognize foreign governments,⁷ President Trump stated:

Today, I am officially recognizing the President of the Venezuelan National Assembly, Juan Guaidó, as the Interim President of Venezuela. In its role as the only legitimate branch of government duly elected by the Venezuelan people, the National Assembly invoked the country's constitution to declare Nicolas Maduro illegitimate and the office of the Presidency therefore vacant. The people of Venezuela have courageously spoken out against Maduro and his regime and demanded freedom and the rule of law.⁸

Trump vowed to “continue to use the full weight of United States economic and diplomatic power to press for the restoration of Venezuelan democracy” and called on other states to recognize Guaidó as the interim president of Venezuela.⁹

Immediately following Guaidó's claim to the presidency and Trump's official recognition thereof, Maduro responded with dismissal: “I am the only president of Venezuela . . . We do not want to return to the 20th century of gringo interventions and coups d'état.”¹⁰ With tensions high,¹¹ Pompeo withdrew a significant number of U.S. diplomats on January 24, and eventually made the decision on March 11 to “withdraw all remaining U.S. personnel from the U.S. Embassy in Caracas, Venezuela,” citing “the deteriorating situation in Venezuela as well as the conclusion that the presence of U.S. diplomatic staff at the embassy has become a constraint on U.S. policy.”¹²

⁶ Donald J. Trump, Statement Announcing United States Recognition of National Assembly President Juan Gerardo Guaidó Marquéz as Interim President of Venezuela, 2019 DAILY COMP. PRES. DOC. NO. 046 (Jan. 23) [hereinafter Guaidó Recognition].

⁷ In *Zivotofsky v. Kerry*, the Supreme Court held that the president possesses the “exclusive recognition power,” including “the authority to acknowledge, in a formal sense, the legitimacy of other states and governments,” as a power “essential to the conduct of Presidential duties . . . that Congress may not qualify.” *Zivotofsky v. Kerry*, 135 S. Ct. 2076, 2087 (2015).

⁸ Guaidó Recognition, *supra* note 6.

⁹ *Id.*

¹⁰ Ana Vanessa Herrero, *After U.S. Backs Juan Guaidó as Venezuela's Leader, Maduro Cuts Ties*, N.Y. TIMES (Jan. 23, 2019), at <https://www.nytimes.com/2019/01/23/world/americas/venezuela-protests-guaido-maduro.html>.

¹¹ Maduro immediately ordered the expulsion of U.S. diplomats from Venezuela, although he rescinded that order several days later. Ana Vanessa Herrero & Megan Specia, *Venezuelan President Does an About-Face That Allows U.S. Diplomats to Stay*, N.Y. TIMES (Jan. 26, 2019), at <https://www.nytimes.com/2019/01/26/world/americas/nicolas-maduro-juan-guaido-venezuela-diplomats.html>. In the interim, Pompeo stated that “[t]he United States does not recognize the Maduro regime as the government of Venezuela” and “[a]ccordingly . . . does not consider former president Nicolas Maduro to have the legal authority to break diplomatic relations with the United States or to declare our diplomats persona non grata.” U.S. Dep't of State Press Release, *Continuing U.S. Diplomatic Presence in Venezuela* (Jan. 23, 2019), at <https://www.state.gov/continuing-u-s-diplomatic-presence-in-venezuela> [<https://perma.cc/X3DZ-GTLP>].

¹² U.S. Dep't of State Press Release, *On the Withdrawal of U.S. Diplomatic Personnel from Venezuela* (Mar. 11, 2019), at <https://www.state.gov/on-the-withdrawal-of-u-s-diplomatic-personnel-from-venezuela> [<https://perma.cc/TG8V-PWG2>]. The United States reached an agreement with Switzerland on April 5, under which Switzerland would “act[] as a protecting power for U.S. interests in Venezuela” and “assist U.S. citizens on [the United States'] behalf.” U.S. Dep't of State Press Release, *Signing of Protecting Power Arrangement for the United States in Venezuela* (Apr. 5, 2019), at <https://www.state.gov/signing-of-protecting-power-arrangement-for-the-united-states-in-venezuela> [<https://perma.cc/PER6-GX8A>].

The day after the U.S. recognition of Guaidó, Venezuela Minister of Defense Vladimir Padrino López declared loyalty to Maduro's government.¹³ In a televised announcement, López "warn[ed] the people of Venezuela that a coup is taking place against . . . President Nicolas Maduro, legitimate president of the Bolivarian Republic of Venezuela" and proclaimed Guaidó's actions as a threat to the rule of law in Venezuela.¹⁴ Maduro also received the backing of Russian President Vladimir Putin, who "expressed support for the legitimate Venezuelan authorities amid the worsening of the internal political crisis provoked from outside the country" and condemned such "destructive external interference [as] a gross violation of the fundamental norms of international law."¹⁵

On January 25, Pompeo reinforced the U.S. view of the legitimacy of Guaidó's presidency by "certify[ing] the authority of Venezuela's interim President Juan Guaidó to receive and control certain property in accounts of the Government of Venezuela or Central Bank of Venezuela held by the Federal Reserve Bank of New York or any other U.S. insured banks."¹⁶ The State Department indicated that "[t]his certification will help Venezuela's legitimate government safeguard those assets for the benefit of the Venezuelan people" and "call[ed] on other governments to recognize interim President Juan Guaidó and take similar steps to protect Venezuela's patrimony from further theft by Maduro's corrupt regime."¹⁷

Pompeo addressed the United Nations Security Council on January 26 and urged its members to "support Venezuela's democratic transition and interim President Guaidó's role in it."¹⁸ Pompeo called on all countries to "pick a side": "Either you stand with the forces of freedom or you're in league with Maduro and his mayhem."¹⁹ On February 28, 2019, the United States proposed to the Security Council a draft resolution that would

call[] for the start of a peaceful political process leading to free, fair, and credible presidential elections . . . [s]upport[] the peaceful restoration of democracy and rule of law in Venezuela; request[] the Secretary-General utilize his good offices to help ensure free, fair,

¹³ Ana Vanessa Herrero & Neil MacFarquhar, *Russia Warns U.S. Not to Intervene in Venezuela as Military Backs Maduro*, N.Y. TIMES (Jan. 24, 2019), at <https://www.nytimes.com/2019/01/24/world/americas/venezuela-news-maduro-russia.html>.

¹⁴ *Id.* (quoted from video recording).

¹⁵ President of Russia Event, Telephone Conversation with President of Venezuela Nicolas Maduro (Jan. 24, 2019), at <http://en.kremlin.ru/events/president/news/59724>.

¹⁶ U.S. Dep't of State Press Release, *Protecting Venezuela's Assets for Benefit of Venezuelan People* (Jan. 29, 2019), at <https://www.state.gov/protecting-venezuelas-assets-for-benefit-of-venezuelan-people> [<https://perma.cc/8SPB-YKYM>].

¹⁷ *Id.* In addition to authorizing Guaidó to control property in the name of Venezuela, the Trump administration amended the term "Government of Venezuela" as used in previous executive orders to include: "the state and Government of Venezuela, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and Petroleos de Venezuela, S.A. (PDVSA), any person owned or controlled, directly or indirectly, by the foregoing, and any person who has acted or purported to act directly or indirectly for or on behalf of, any of the foregoing, including as a member of the Maduro regime." Exec. Order No. 13,857, 84 Fed. Reg. 509 (Jan. 25, 2019). Trump issued this executive order "in light of actions by persons affiliated with the illegitimate Maduro regime . . . and continued attempts to undermine the Interim President of Venezuela . . ." *Id.*

¹⁸ U.S. Dep't of State Press Release, *Remarks at a United Nations Security Council Meeting on Venezuela* (Jan. 26, 2019), at <https://www.state.gov/remarks-at-a-united-nations-security-council-meeting-on-venezuela> [<https://perma.cc/ET8L-L8LH>].

¹⁹ *Id.*

and credible presidential elections, and encourage[] subsequent peaceful, inclusive, and credible initiatives to address the prolonged crisis in the country.²⁰

Though nine members voted to pass the resolution, it was ultimately vetoed by both Russia and China.²¹

Vice President Michael Pence returned to a special session of the Security Council on April 10, at which time he “called on the United Nations to revoke the credentials of Venezuela’s representative to the United Nations, recognize Interim President Juan Guaidó, and seat the representative of the free Venezuelan government without delay.”²² Pence stated that “the United States is preparing a resolution recognizing the legitimacy of the government of Interim President Juan Guaidó” and urged “every member of the Security Council and all U.N. member states to support this resolution.”²³

In the days and weeks that followed the U.S. recognition of Guaidó as interim president of Venezuela, Pompeo, Pence, and Trump met with governments in the region to reaffirm the U.S. support for Guaidó and its partnership with regional state allies concerning its efforts in Venezuela.²⁴ Dozens of states, including many nations from Latin America and Europe, and a number of major intergovernmental organizations, including the Organization of American States (OAS),²⁵ the European Union (EU),²⁶ and the Lima Group,²⁷ have formally recognized Guaidó as

²⁰ Draft SC Res. 186, para. 3 (*vetoed* Feb. 28, 2019), at <https://undocs.org/en/S/2019/186>.

²¹ Michael Schwartz, *Russia Blocks Venezuela Measure at U.N., Calling It a U.S. Ploy for Regime Change*, N.Y. TIMES (Feb. 28, 2019), at <https://www.nytimes.com/2019/02/28/world/americas/russia-venezuela-veto-united-nations.html>.

²² Michael R. Pence, Remarks by Vice President Pence in Press Gaggle (Apr. 10, 2019), at <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-press-gaggle-new-york-ny> [<https://perma.cc/SM8K-NSFK>].

²³ Michael R. Pence, Remarks by Vice President Pence at a Special Session of the United Nations Security Council on the Crisis in Venezuela (Apr. 10, 2019), at <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-special-session-united-nations-security-council-crisis-venezuela-new-york-ny> [<https://perma.cc/7GYD-354W>].

²⁴ See, e.g., U.S. Dep’t of State Press Release, Secretary Pompeo’s Meeting with Brazilian Foreign Minister Araujo (Feb. 6, 2019), at <https://www.state.gov/secretary-pompeos-meeting-with-brazilian-foreign-minister-araujo> [<https://perma.cc/8ANZ-LMNX>]; Joint Statement by President Donald J. Trump and President Iván Duque Márquez of Colombia on the Crisis in Venezuela, 2019 DAILY COMP. PRES. DOC. NO. 076 (Feb. 13); Michael R. Pence & Fabiana Rosales, Remarks by Vice President Pence and First Lady Fabiana Rosales of the Bolivarian Republic of Venezuela Before Bilateral Meeting (Mar. 27), at <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-first-lady-fabiana-rosales-bolivarian-republic-venezuela-bilateral-meeting> [<https://perma.cc/A7R8-TSM9>].

²⁵ Organization of American States (OAS), Resolución Sobre la Situación en Venezuela [Resolution on the Situation in Venezuela], CP/RES. 1124/19 (2217/19), rev. 2 (Apr. 9, 2019). In response to the OAS decision, the Venezuela Foreign Ministry announced its “irrevocable decision to leave the Organization of American States on April 27, 2019 . . . given that the Bolivarian Republic of Venezuela cannot remain in an organization that goes to its knees before the imperial interests of the US administration.” Elizabeth Melimopoulos, *OAS Recognises Guaidó’s Envoy Until New Venezuela Elections Held*, AL JAZEERA (Apr. 10, 2019), at <https://www.aljazeera.com/news/2019/04/oas-recognises-guaido-envoy-venezuela-elections-held-190409210229113.html>.

²⁶ European Parliament Resolution of 31 January 2019 on the Situation in Venezuela, 2019/2543(RSP) (2019), at https://www.europarl.europa.eu/doceo/document/TA-8-2019-0061_EN.html?fbclid=IwAR0yZk2L_n_g0duyDjMgGJDIS3brzGgyeXtjYk2fgtibS1uVXUivwZrw4f8.

²⁷ Declaration of the Lima Group, Jan. 24, 2019, at https://international.gc.ca/world-monde/international_-relations-relations_internationales/latin_america-amerique_latine/2019-01-23-lima_group-groupe_lima.aspx?lang=eng; *Venezuela Crisis: Juan Guaidó Backed by Lima Group*, BBC NEWS (Feb. 5, 2019), at <https://www.bbc.com/news/world-latin-america-47126434>.

interim president of Venezuela.²⁸ In contrast, other nations have publicly affirmed their support of Maduro's government, including Russia, China, Iran, and Cuba.²⁹

Well before recognizing Guaidó as the interim president, the United States had begun using sanctions and visa revocations designed to pressure Maduro's government.³⁰ Sanctions originating under the Obama administration in 2015 and increasing under the Trump administration led Venezuela to request consultations with the United States at the World Trade Organization (WTO) in December 2018.³¹ In its request, Venezuela claimed:

[T]he unilateral coercive trade-restrictive measures imposed by the United States on the Bolivarian Republic of Venezuela violate its obligations under Articles I:1, II:1, III:4, V:2, X:3, XI:1 and XIII:1 of the GATT 1994 . . . [and] the United States' commitments under Articles II:1, XVI:2 and XVII:1 of the GATS.³²

Following its recognition of Guaidó, the United States has refused to engage in the consultation process at the WTO in light of its view that the Maduro government is illegitimate and therefore cannot represent Venezuela at the WTO.³³ A WTO official stated that a dispute settlement meeting scheduled for March 26 would be postponed "until further notice."³⁴

Following the United States' recognition of Guaidó as interim president of Venezuela in January 2019, the Trump administration has undertaken still more sanctions and visa revocations designed to pressure the Maduro regime. The Trump administration announced on January 28 that it would impose sanctions against Venezuela's oil sector, including the state-owned oil company Petroleos de Venezuela, S.A. (PDVSA).³⁵ Pompeo declared that such sanctions would

²⁸ *Guaido vs Maduro: Who Is Backing Whom in Venezuela?*, REUTERS (Apr. 30, 2019), at <https://www.reuters.com/article/us-venezuela-politics-support-factbox/guaido-vs-maduro-who-is-backing-whom-in-venezuela-idUSKCN1S62DY>.

²⁹ *Id.*; see also Rick Gladstone, *Venezuela's Top Diplomat Enlists Support from Dozens of Nations to Counter U.S.*, N.Y. TIMES (Feb. 14, 2019), at <https://www.nytimes.com/2019/02/14/world/americas/venezuela-united-nations-support.html>.

³⁰ For additional background, see Jean Galbraith, *Contemporary Practice of the United States*, 112 AJIL 103 (2018).

³¹ Request for Consultations by Venezuela, Measures Relating to Trade in Goods and Services, WTO Doc. WT/DS574/1 (Dec. 28, 2018).

³² *Id.* at 2. The identified provisions deal generally with the equal treatment of goods, freedom of transit, the elimination of quantitative restrictions, and unrestricted market access. General Agreement on Tariffs and Trade 1994 [GATT 1994], Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1A, 1867 UNTS 187, 33 ILM 1153 (1994); General Agreement on Trade in Services [GATS], Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1B, 1869 UNTS 183, 33 ILM 1167 (1994).

³³ Tom Miles, *U.S. Objection Over Venezuela Threatens to Halt WTO Trade Disputes*, REUTERS (Mar. 26, 2019), at <https://www.reuters.com/article/us-usa-trade-venezuela-wto/u-s-objection-over-venezuela-threatens-to-halt-wto-trade-disputes-idUSKCN1R71KJ>; Request for the Establishment of a Panel by Venezuela, Measures Relating to Trade in Goods and Services, WTO Doc. WT/DS574/2 (Mar. 14, 2019) (noting the U.S. refusal to engage with the process).

³⁴ Miles, *supra* note 33.

³⁵ U.S. Dep't of State Press Release, *Sanctions Against PDVSA and Venezuela Oil Sector* (Jan. 28, 2019), at <https://www.state.gov/sanctions-against-pdvsa-and-venezuela-oil-sector/> [<https://perma.cc/F3Q7-JL22>].

prevent the illegitimate former Maduro regime from further plundering Venezuela's assets and natural resources . . . [and] further enriching themselves at the expense of the long-suffering Venezuelan people. It will also preserve the core pillar of Venezuela's national assets for the people and a democratically elected government.³⁶

The sanctions also barred most American companies from engaging in business transactions with PDVSA.³⁷ National Security Advisor John Bolton estimated that these sanctions would “total[] \$7 billion in assets blocked today, plus over \$11 billion in lost export proceeds over the next year.”³⁸ Maduro responded by denouncing the sanctions as “unilateral, illegal, immoral and criminal,” threatening Trump that he “will have blood on [his] hands.”³⁹

The Trump administration continued rolling out sanctions and visa revocations in its attempt to “hold corrupt officials of the former illegitimate Maduro regime accountable.”⁴⁰ On February 15, the State Department announced that it would be “imposing sanctions on five current or former officials of the illegitimate Maduro regime” in addition to previously announced visa restrictions and revocations on members of the “illegitimate Constituent Assembly” and the “illegitimate Supreme Court.”⁴¹ That same day, Treasury Secretary Steven Mnuchin announced:

Treasury continues to target officials who have helped the illegitimate Maduro regime repress the Venezuelan people. We are sanctioning officials in charge of Maduro's security and intelligence apparatus, which has systematically violated human rights and suppressed democracy, including through torture and other brutal use of force force . . . We are intent on going after those facilitating Maduro's corruption and predation, including by sanctioning the President of PdVSA and others diverting assets that rightfully belong to the people of Venezuela.⁴²

The Trump administration imposed additional sanctions on politicians and officials aligned with the Maduro regime on February 25⁴³ and March 1.⁴⁴ U.S. Special Representative for

³⁶ *Id.*

³⁷ Edward Wong & Nicholas Casey, *U.S. Targets Venezuela with Tough Oil Sanctions During Crisis of Power*, N.Y. TIMES (Jan. 28, 2019), at <https://www.nytimes.com/2019/01/28/us/politics/venezuela-sanctions-trump-oil.html> [hereinafter Oil Sanctions Article].

³⁸ White House Press Release, Press Briefing by Press Secretary Sarah Sanders (Jan. 28, 2019), at <https://www.whitehouse.gov/briefings-statements/press-briefing-press-secretary-sarah-sanders-012819> [<https://perma.cc/TMZ9-98H6>].

³⁹ Oil Sanctions Article, *supra* note 37.

⁴⁰ U.S. Dep't of State Press Release, U.S. Sanctions on Venezuelan Individuals and Entities (Feb. 15, 2019), at <https://www.state.gov/u-s-sanctions-on-venezuelan-individuals-and-entities> [<https://perma.cc/MBE5-QX78>].

⁴¹ *Id.*

⁴² U.S. Dep't of Treasury Press Release, Treasury Sanctions Officials Aligned with Former President Nicolas Maduro and Involved in Repression and Corruption (Feb. 15, 2019), at <https://home.treasury.gov/news/press-releases/sm612> [<https://perma.cc/V5HT-L6S2>].

⁴³ U.S. Dep't of State Press Release, The United States Sanctions Governors of Venezuelan States Aligned with Maduro (Feb. 25, 2019), at <https://www.state.gov/the-united-states-sanctions-governors-of-venezuelan-states-aligned-with-maduro> [<https://perma.cc/E2AT-XCJD>].

⁴⁴ U.S. Dep't of State Press Release, The United States Sanctions Illegitimate Maduro Regime Security Officials Associated with Violence and Obstruction of International Humanitarian Assistance (Mar. 1, 2019), at <https://www.state.gov/the-united-states-sanctions-illegitimate-maduro-regime-security-officials-associated-with-violence-and-obstruction-of-international-humanitarian-assistance> [<https://perma.cc/UA2M-QRMM>].

Venezuela Elliott Abrams announced the imposition of visa restrictions on forty-nine individuals determined to be “responsible for undermining Venezuela’s democracy” on February 28⁴⁵ and the revocation of seventy-seven visas belonging to “regime officials and their families” the following week.⁴⁶ On March 15, Abrams stated that an additional 340 visas had been revoked, promising that “that’s a process that will continue.”⁴⁷

On March 11, the United States sanctioned “Evrofinance Mosnarbank, a Moscow-based bank jointly owned by Russia and Venezuela” responsible for “facilitating illegitimate transactions that prolong Maduro’s usurpation of democracy.”⁴⁸ The State Department announced on March 19 that the United States was designating a state-owned gold sector company to fall under the scope of Executive Order 13,850, which was signed by Trump on November 1, 2018, and “targets persons operating in the gold sector of the Venezuelan economy.”⁴⁹ On March 22, the Trump administration announced sanctions against several state-affiliated Venezuelan banks and further determined that “persons operating in Venezuela’s financial sector could be subject to sanctions pursuant to Executive Order 13850.”⁵⁰

The Trump administration ratcheted up the pressure of its economic sanctions in April 2019 by targeting oil shipments between Venezuela and Cuba,⁵¹ as well as financial activities of the Central Bank of Venezuela (CBV).⁵² The Cuban oil sanctions sought to “hinder the [Maduro] regime’s further theft and the predatory influence of Cuba, which takes Venezuela’s oil and pays the regime with security and intelligence forces to keep Nicolas

⁴⁵ U.S. Dep’t of State Press Release, The United States Revokes U.S. Entry of Maduro-Aligned Individuals and Family (Mar. 1, 2019), at <https://www.state.gov/the-united-states-revokes-u-s-entry-of-maduro-aligned-individuals-and-family> [<https://perma.cc/G5ZH-QUAR>].

⁴⁶ U.S. Dep’t of State Press Release, Special Representative for Venezuela Elliott Abrams (Mar. 8, 2019), at <https://www.state.gov/special-representative-for-venezuela-elliott-abrams> [<https://perma.cc/44YM-7QEU>].

⁴⁷ U.S. Dep’t of State Press Release, Briefing with Special Representative for Venezuela Elliott Abrams (Mar. 15, 2019), at <https://www.state.gov/briefing-with-special-representative-for-venezuela-elliott-abrams> [<https://perma.cc/LND7-BYVX>].

⁴⁸ U.S. Dep’t of State Press Release, The United States Tightens Sanctions on Venezuela by Targeting Russia-Based Bank (Mar. 11, 2019), at <https://www.state.gov/the-united-states-tightens-sanctions-on-venezuela-by-targeting-russia-based-bank> [<https://perma.cc/7QPD-X3XD>].

⁴⁹ U.S. Dep’t of State Press Release, Sanctions Against Venezuelan Gold Sector (Mar. 19, 2019), at <https://www.state.gov/sanctions-against-venezuelan-gold-sector> [<https://perma.cc/47M8-C38T>]; Exec. Order No. 13,850, 83 Fed. Reg. 55,243 (Nov. 1, 2018).

⁵⁰ U.S. Dep’t of State Press Release, The United States Sanctions Venezuela’s State-Affiliated Bank (Mar. 22, 2019), at <https://www.state.gov/the-united-states-sanctions-venezuelas-state-affiliated-bank> [<https://perma.cc/WQ94-8HR7>]; White House Press Release, Statement by the Press Secretary on Sanctions Against Major Venezuelan Bank (Mar. 22, 2019), at <https://www.whitehouse.gov/briefings-statements/statement-press-secretary-sanctions-major-venezuelan-bank> [<https://perma.cc/CB82-NSTD>].

⁵¹ U.S. Dep’t of State Press Release, The United States Sanctions Companies Enabling Shipment of Venezuelan Oil to Cuba (Apr. 5, 2019), at <https://www.state.gov/the-united-states-sanctions-companies-enabling-shipment-of-venezuelan-oil-to-cuba> [<https://perma.cc/6UXS-LJPR>] [hereinafter Cuban Oil Sanctions]; U.S. Dep’t of State Press Release, The United States Takes Action To End Cuba’s Malign Influence on Venezuela (Apr. 12, 2019), at <https://www.state.gov/the-united-states-takes-action-to-end-cubas-malign-influence-on-venezuela> [<https://perma.cc/PZ6T-JWFN>] [hereinafter Cuba Sanctions].

⁵² U.S. Dep’t of State Press Release, The United States Sanctions the Central Bank of Venezuela (Apr. 17, 2019), at <https://www.state.gov/the-united-states-sanctions-the-central-bank-of-venezuela> [<https://perma.cc/LH6X-26LJ>] [hereinafter CBV Sanctions].

Maduro in power.”⁵³ The Trump administration dealt a further blow in its April 17 sanctions against the CBV, which “formulates and implements Venezuela’s monetary policy, issues currency, and manages the country’s international reserves.”⁵⁴ By targeting the CBV, these sanctions “close[d] off a few remaining critical paths for financing” by the Maduro regime.⁵⁵

Although the Trump administration’s campaign of economic sanctions has effectively drained most avenues for funding by Maduro’s government,⁵⁶ the Trump administration has consistently exempted humanitarian assistance and insisted that the sanctions “do not target the innocent people of Venezuela.”⁵⁷ Despite this assertion, Venezuela’s economic situation has worsened severely under the prolonged sanctions,⁵⁸ and the humanitarian crisis remains devastating.⁵⁹

On April 30, Guaidó launched his most assertive challenge yet to the authority of Maduro’s government by calling on the people of Venezuela, at a military base in Caracas with uniformed soldiers standing by his side, to rise up and overtake the Maduro regime.⁶⁰ Guaidó announced that “brave soldiers, brave patriots, brave men attached to the Constitution have followed our call,” and “the definitive end of the usurpation starts today.”⁶¹ Despite Guaidó’s call and Pompeo’s insistence that “[Maduro] had an airplane on the tarmac” and “was ready to leave [that] morning,” Maduro remained in power by day’s end.⁶² Violent protests erupted throughout the day, and López dismissed the day’s events as “an attempt at a coup, without a doubt, at a mediocre level.”⁶³ In the days following, Maduro addressed soldiers at a military base in Caracas: “Soldiers of the fatherland, it’s time to fight!”⁶⁴ On May 1, Pompeo indicated that “[m]ilitary action [in Venezuela] is possible.

⁵³ Cuba Sanctions, *supra* note 51.

⁵⁴ CBV Sanctions, *supra* note 52.

⁵⁵ Clifford Krauss, *New U.S. Sanctions on Venezuela Aim to Choke Off Government’s Finances*, N.Y. TIMES (Apr. 17, 2019), at <https://www.nytimes.com/2019/04/17/business/us-venezuela-sanctions-maduro.html>.

⁵⁶ For more information and an up-to-date list of all Venezuela-related sanctions, see U.S. Dep’t of State, *Venezuela-Related Sanctions*, at <https://www.state.gov/venezuela-related-sanctions> [<https://perma.cc/JCY9-HA23>].

⁵⁷ See, e.g., CBV Sanctions, *supra* note 52.

⁵⁸ *Venezuela Crisis: Guaidó Calls for Uprising as Clashes Erupt*, N.Y. TIMES (Apr. 30, 2019), at <https://www.nytimes.com/2019/04/30/world/americas/venezuela-coup-guaido-military.html> [hereinafter Uprising Article].

⁵⁹ Megan Specia, *What Is Happening in Venezuela and Why It Matters*, N.Y. TIMES (Apr. 30, 2019), at <https://www.nytimes.com/2019/04/30/world/americas/venezuela-crisis.html>. A State Department press release emphasized that the United States has provided “more than \$213 million in humanitarian assistance to provide life-saving aid and critical basic social services . . . to the most vulnerable Venezuelans,” despite resistance from the Maduro regime to allow such aid into the country. U.S. Dep’t of State Press Release, *United States Provides Additional Humanitarian Aid to Venezuelans Who Have Fled Their Country* (Apr. 10, 2019), at <https://www.state.gov/united-states-provides-additional-humanitarian-aid-to-venezuelans-who-have-fled-their-country> [<https://perma.cc/LMV2-YV47>]; Ernesto Londoño, *U.S. Military Starts Flying Aid for Venezuela to Colombia*, N.Y. TIMES (Feb. 16, 2019), at <https://www.nytimes.com/2019/02/16/world/americas/venezuela-aid-us-air-force.html>.

⁶⁰ Uprising Article, *supra* note 58.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Nicholas Casey, *Venezuelan Opposition Leader Steps Up Pressure, but Maduro Holds On*, N.Y. TIMES (Apr. 30, 2019), at <https://www.nytimes.com/2019/04/30/world/americas/venezuela-guaido-maduro.html>.

⁶⁴ Ana Vanessa Herrero & Rick Gladstone, *Maduro Speaks to Troops, Trying to Discredit Guaidó’s Call for Mutiny*, N.Y. TIMES (May 2, 2019), at <https://www.nytimes.com/2019/05/02/world/americas/maduro-venezuela-troops.html>.

If that's what's required, that's what the United States will do."⁶⁵ In mid-May, representatives of Maduro and Guaidó met for talks in Norway.⁶⁶

The State Department Designates Iran's Islamic Revolutionary Guards Corps as a Foreign Terrorist Organization

doi:10.1017/ajil.2019.38

On April 8, 2019, President Trump announced that his administration would designate Iran's Islamic Revolutionary Guards Corps (IRGC) as a foreign terrorist organization (FTO) under Section 219 of the Immigration and Nationality Act (INA).¹ This is the first time the United States has designated an arm of another government, rather than a non-state actor, as an FTO.² In his announcement, Trump asserted that the Iranian government has used the IRGC to engage in a campaign of global terrorism.³ The measure, which officially took effect on April 15, expands on previous terrorism-related sanctions imposed on the IRGC and Iran.⁴

Under the INA, as amended in 1996 by the Antiterrorism and Effective Death Penalty Act, the Secretary of State can designate an organization as an FTO if:

- (A) the organization is a foreign organization;
- (B) the organization engages in terrorist activity . . . or terrorism . . . , or retains the capability and intent to engage in terrorist activity or terrorism; and
- (C) the terrorist activity or terrorism of the organization threatens the security of United States nationals or the national security of the United States.⁵

⁶⁵ Interview with Maria Bartiromo of Mornings With Maria on Fox Business Network, Secretary of State, in Washington, DC (May 1, 2019), at <https://www.state.gov/interview-with-maria-bartiromo-of-mornings-with-maria-on-fox-business-network-4> [<https://perma.cc/S8JE-JD4B>].

⁶⁶ Rick Noack & Terrence McCoy, *Emissaries of Venezuela's Government, Opposition in Norway for Talks*, WASH. POST (May 16, 2019), at https://www.washingtonpost.com/world/venezuelan-government-and-opposition-reportedly-headed-to-norway-for-talks/2019/05/16/607ee77c-77b4-11e9-bd25-c989555e7766_story.html.

¹ Donald J. Trump, Statement on the United States Designation of Iran's Islamic Revolutionary Guard Corps as a Foreign Terrorist Organization, 2019 DAILY COMP. PRES. DOC. NO. 212 (Apr. 8) [hereinafter Trump Statement].

² *Id.*

³ *Id.*

⁴ U.S. Dep't of State Press Release, Designation of the Islamic Revolutionary Guard Corps (Apr. 8, 2019), at <https://www.state.gov/designation-of-the-islamic-revolutionary-guard-corps> [<https://perma.cc/GDA9-Q4M9>] [hereinafter State Dep't Press Release]; see also In the Matter of the Designation of the Islamic Revolutionary Guard Corps (and Other Aliases) as a Foreign Terrorist Organization, 84 Fed. Reg. 15278 (Apr. 15, 2019) (proulgating the designation).

⁵ 8 U.S.C § 1189(a)(1) (2016).