

United States Senate

WASHINGTON, DC 20510-0908

August 13, 2020

Dr. Ursula von der Leyen
President
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Mr. Josep Borrell Fontelles
High Representative of the Union for Foreign
Affairs and Security Policy
Vice-President of the European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Dear President von der Leyen and High Representative Borrell:

We write with regard to the unfolding crisis in Hong Kong at the hands of the Chinese Government and Communist Party (CCP). This is an issue of critical importance to free nations everywhere. The United States and the European Union have long shared a commitment to democracy, human rights, and the rule of law. We have worked together to address many challenges to international peace and prosperity. For these reasons and more, we must find ways to address the economic and political challenges posed by the Chinese party-state.

Since 1997, Beijing has steadily undermined Hong Kong's long-cherished and guaranteed autonomy and freedoms. The Chinese Government and CCP have consistently violated and undermined the international commitments to which they agreed. The most recent assault on the city is the newly passed National Security Law, which destroys the city's legally enshrined autonomy and democratic system of law. It gives Beijing power over the judiciary, directly threatening not just Hong Kongers, but also anyone who puts himself or herself at odds with the CCP given the law's broad nature. In recent weeks, we have already seen warrants issued for democracy activists living outside of Hong Kong, including a U.S. citizen residing in the United States. The CCP is attempting to practice extraterritorial jurisdiction, and the free world cannot allow it.

As if that is not enough, last month, the Hong Kong government, under the control of Beijing, disqualified pro-democracy candidates from running in the Legislative Council elections and then announced it would delay elections for a year due to COVID-19. These actions represent a deathblow to the remaining political freedoms in Hong Kong.

We thank you for suggesting a U.S.-EU dialogue on China, and we hope that the first meeting can be arranged as soon as possible. The United States and the European Union share many common problems in dealing with the Chinese Government, and we should be working toward common solutions. We urge you to consider a role for the European Parliament, the U.S. Congress, and possibly other national legislatures in this important initiative. The establishment of the European Parliament's Hong Kong Watch Friendship Group is an important example of the shared concern that makes us believe the parliaments have a role to play in coordinating policy and action.

As China has continued to erode human rights protections in Hong Kong, Tibet, and Xinjiang, we hope that the European Union will finalize the Global Human Rights Sanctions Mechanism. Such sanctions are an important part of holding individuals accountable for their violations of human rights. The ability to coordinate policy across the Atlantic would strengthen all our hands in addressing human rights abuses wherever they occur.

We believe the United States and the European Union can find common ground in areas related to Hong Kong. Beijing's abandonment of its treaty commitments to Hong Kong's autonomy under the Sino-British Joint Declaration means that we can no longer treat the city as a separate jurisdiction. We have always tolerated a certain amount of technology diversion through Hong Kong to mainland China, but the current situation now leaves a gaping hole in our efforts to prevent our companies and dual-use components from supporting Chinese repression and military modernization.

Upholding our shared commitments to human rights means we should be looking to help the Hong Kong people, whether preventing their extradition or offering safe harbor to them if they must flee. Some countries already have suspended their extradition agreements with Hong Kong or, like France, halted the negotiation and ratification process. We encourage the European Union to support member states making similar decisions to ensure Beijing cannot exploit the respect once afforded Hong Kong through extradition agreements and law enforcement cooperation to target dissidents abroad. Additionally, Congress is currently reviewing our options to provide safe haven to those Hong Kongers who face political persecution under the new National Security Law.

We, and Members in the United States Congress on both sides of the aisle, are prepared to work closely with EU Parliamentarians on addressing these issues and more. For decades, the transatlantic partnership has contributed to peace and prosperity as well as the protection of human dignity and democratic rights. Our shared values and commitment to peace and security bind us. Hong Kong's future should be a priority for both the United States and the European Union. Countering China requires a coordinated international response, and we must stand together and offer the people of Hong Kong our full support during these difficult days.

Sincerely,



Marco Rubio
U.S. Senator



Benjamin L. Cardin
U.S. Senator

CC: Mr. Reinhard Bütikofer, Member of the European Parliament
Ms. Miriam Lexmann, Member of the European Parliament