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CONTINUATION OF THE NATIONAL EMERGENCY WITH
RESPECT TO WEAPONS OF MASS DESTRUCTION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION THAT THE NATIONAL EMERGENCY WITH RESPECT TO THE PROLIFERATION OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS ("WEAPONS OF MASS DESTRUCTION") AND THE MEANS OF DELIVERING SUCH WEAPONS IS TO CONTINUE IN EFFECT BEYOND NOVEMBER 14, 1995, PURSUANT TO 50 U.S.C. 1622(d)



NOVEMBER 8, 1995.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed

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WASHINGTON : 1995

To the Congress of the United States:

On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological, and chemical weapons (“weapons of mass destruction”) and of the means of delivering such weapons, I issued Executive Order No. 12938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration, unless I publish in the Federal Register and transmit to the Congress a notice of its continuation.

The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I am hereby advising the Congress that the national emergency declared on November 14, 1994, must continue in effect beyond November 14, 1995. Accordingly, I have extended the national emergency declared in Executive Order No. 12938 and have sent the attached notice of extension to the Federal Register for publication.

As I described in the report transmitting Executive Order No. 12938, the Executive order consolidated the functions of and revoked Executive Order No. 12735 of November 16, 1990, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930 of September 29, 1994, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery.

The following report is made pursuant to section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to the Congress pursuant to section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), also known as the “Non-proliferation Report,” and the annual report provided to the Congress pursuant to section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102–182).

The three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

In the 12 months since I issued Executive Order No. 12938, 26 additional countries ratified the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) for a total of 42 of the 159 signatories; the CWC must be ratified by 65 signatories to enter into force. I must report my disappointment that the United States is not yet among those who have ratified. The CWC is a critical element of U.S. nonproliferation policy and an urgent next step in our effort to end the development, production, stockpiling, transfer, and use of chemical weapons. As we have seen this year in Japan, chemical weapons can threaten our security and that of our allies, whether as an instrument of war or of terrorism. The CWC will make every American safer, and we need it now.

The international community is watching. It is vitally important that the United States continue to lead the fight against weapons of mass destruction by being among the first 65 countries to ratify the CWC. The Senate recognized the importance of this agreement by adopting a bipartisan amendment on September 5, 1995, expressing the sense of the Senate that the United States should promptly ratify the CWC. I urge the Senate to give its advice and consent as soon as possible.

In parallel with seeking Senate ratification of the CWC, the United States is working hard in the CWC Preparatory Commission (PrepCom) in The Hague to draft administrative and implementing procedures for the CWC and to create a strong organization for verifying compliance once the CWC enters into force.

The United States also is working vigorously to end the threat of biological weapons (BW). We are an active participant in the Convention on the Prohibition of the Development and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction (BWC) Ad Hoc Group, which was commissioned September 1994 by the BWC Special Conference to draft a legally binding instrument to strengthen the effectiveness and improve the implementation of the Convention. The Group convened its first meeting in January 1995 and agreed upon a program of work for this year. The first substantive meeting took place in July, making important progress in outlining the key issues. The next meeting is scheduled for November 27 to December 8, 1995. The U.S. objective is to have a draft protocol for consideration and adoption at the Fourth BWC Review Conference in December 1996.

The United States continues to be active in the work of the 29-member Australia Group (AG) CBW nonproliferation regime, and attended the October 16-19 AG consultations. The Group agreed to a United States proposal to ensure the AG export controls and information-sharing adequately address the threat of CBW terrorism, a threat that became all too apparent in the Tokyo subway nerve gas incident. This U.S. initiative was the AG's first policy-level action on CBW terrorism. Participants also agreed to several amendments to strengthen the AG's harmonized export controls on materials and equipment relevant to biological weapons, taking into account new developments since the last review of the biological weapons lists and, in particular, new insights into Iraq's BW activities.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC will be the only way to achieve a permanent global ban on CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support these goals.

Australia Group participants are taking steps to ensure that all relevant national measures promote the object and purposes of the BWC and CWC, and will be fully consistent with the CWC upon its entry into force. The AG considers that national export licensing policies on chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Moreover, inasmuch as these measures are focused solely on preventing activities banned under the CWC, they are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the CWC.

The AG agreed to continue its active program of briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further awareness and understanding of national policies in these areas.

The United States Government determined that two foreign companies—Mainway Limited and GE Plan—had engaged in chemical weapons proliferation activities that required the imposition of sanctions against them, effective May 18, 1995. Additional information on this determination is contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The United States carefully controlled exports which could contribute to unmanned delivery systems for weapons of mass destruction, exercising restraint in considering all such proposed transfers consistent with the Guidelines of the Missile Technology Control Regime (MTCR). The MTCR Partners continued to share information about proliferation problems with each other and with other possible supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems.

The United States worked unilaterally and in coordination with its MTCR partners in multilateral efforts to combat missile proliferation by nonmembers and to encourage nonmembers to export responsibly and to adhere to the MTCR Guidelines. Three new Partners were admitted to the MTCR with U.S. support: Russia, South Africa, and Brazil.

In May 1995, the United States participated in an MTCR team visit to Kiev to discuss missile nonproliferation and MTCR membership criteria. Under Secretary of State Davis met with Ukraine's Deputy Foreign Minister Hryshchenko in May, July, and October to discuss nonproliferation issues and MTCR membership. As a result of the July meeting, a United States delegation traveled to Kiev in October to conduct nonproliferation talks with representatives of Ukraine, brief them on the upcoming MTCR Plenary, and discuss U.S. criteria for MTCR membership. From August 29—September 1, the U.S. participated in an informal seminar with 18

other MTCR Partners in Montreux, Switzerland, to explore future approaches to strengthening missile nonproliferation.

The MTCR held its Tenth Plenary Meeting in Bonn October 10–12. The Partners reaffirmed their commitment to controlling exports to prevent proliferation of delivery systems for weapons of mass destruction. They also reiterated their readiness for international cooperation in peaceful space activities consistent with MTCR policies. The Bonn Plenary made minor amendments to the MTCR Equipment and Technology Annex in the light of technical developments. Partners also agreed to U.S. initiatives to deal more effectively with missile-related aspects of regional tensions, coordinate in impeding shipments of missile proliferation concern, and deal with the proliferation risks posed by transshipment. Finally, MTCR Partners will increase their efforts to develop a dialogue with countries outside the Regime to encourage voluntary adherence to the MTCR Guidelines and heightened awareness of missile proliferation risks.

The United States has continued to pursue my Administration's nuclear nonproliferation goals with success. Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) agreed last May at the NPT Review and Extension Conference to extend the NPT indefinitely and without conditions. Since the conference, more nations have acceded to the Treaty. There now are 180 parties, making the NPT nearly universal.

The Nuclear Suppliers Group (NSG) continues its efforts to improve member states' export policies and controls. Nuclear Suppliers Group members have agreed to apply technology controls to all items on the nuclear trigger list and to adopt the principle that the intent of the NSG Guidelines should not be undermined by the export of parts of trigger list and dual-use items without appropriate controls. In 1995, the NSG agreed to over 30 changes to update and clarify the list of controlled items in the Nuclear-Related Dual-Use Annex. The NSG also pursued efforts to enhance information sharing among members by establishment of a permanent Joint Information Exchange group and by moving toward adoption of a United States Department of Energy-supplied computerized automated information exchange system, which is currently being tested by most of the members.

The increasing number of countries capable of exporting nuclear commodities and technology is a major challenge for the NSG. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to control nuclear exports in accordance with the NSG guidelines. Members continued contacts with Belarus, Brazil, China, Kazakhstan, Lithuania, the Republic of Korea (ROK), and Ukraine regarding NSG activities. Ambassador Patokallio of Finland, the current NSG Chair, led a five-member NSG outreach visit to Brazil in early November 1995 as part of this effort.

As a result of such contacts, the ROK has been accepted as a member of the NSG. Ukraine is expected to apply for membership in the near future. The United States maintains bilateral contacts with emerging suppliers, including the New Independent States of the former Soviet Union, to encourage early adherence to NSG guidelines.

Pursuant to section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No. 12938 during the period from May 14, 1995, through November 14, 1995.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 8, 1995.*

[NOTICE]

CONTINUATION OF EMERGENCY REGARDING WEAPONS OF MASS
DESTRUCTION

On November 14, 1994, by Executive Order No. 12938, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and the means of delivering such weapons. Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on November 14, 1994, must continue in effect beyond November 14, 1995. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency declared in Executive Order No. 12938.

This notice shall be published in the Federal Register and transmitted to the Congress.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 8, 1995.*

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