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DEVELOPMENTS CONCERNING THE NATIONAL
EMERGENCY WITH RESPECT TO HAITI

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON DEVELOPMENTS SINCE HIS LAST REPORT OF OCTOBER 13, 1994, CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO HAITI, PURSUANT TO 50 U.S.C. 1641(c) AND 50 U.S.C. 1703(c)



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To the Congress of the United States:

1. In December 1990, the Haitian people elected Jean-Bertrand Aristide as their President by an overwhelming margin in a free and fair election. The United States praised Haiti's success in peacefully implementing its democratic constitutional system and provided significant political and economic support to the new government. The Haitian military abruptly interrupted the consolidation of Haiti's new democracy when, in September 1991, it illegally and violently ousted President Aristide from office and drove him into exile.

2. The United States, on its own and with the Organization of American States (OAS), immediately imposed sanctions against the illegal regime. Upon the recommendation of the legitimate government of President Aristide and of the OAS, the United Nations Security Council imposed incrementally a universal embargo on Haiti, beginning June 16, 1993, with trade restrictions on certain strategic commodities. The United States actively supported the efforts of the OAS and the United Nations to restore democracy to Haiti and to bring about President Aristide's return by facilitating negotiations between the Haitian parties. The United States and the international community also offered material assistance within the context of an eventual negotiated settlement of the Haitian crisis to support the return to democracy, build constitutional structures, and foster economic well-being.

The continued defiance of the will of the international community by the illegal regime led to an intensification of bilateral and multilateral economic sanctions against Haiti in May 1994. The U.N. Security Council on May 6 adopted Resolution 917, imposing comprehensive trade sanctions and other measures on Haiti. This was followed by a succession of unilateral U.S. sanctions designed to isolate the illegal regime. To augment embargo enforcement, the United States and other countries entered into a cooperative endeavor with the Dominican Republic to monitor that country's enforcement of sanctions along its land border and in its coastal waters.

Defying coordinated international efforts, the illegal military regime in Haiti remained intransigent for some time. Internal repression continued to worsen, exemplified by the expulsion in July 1994 of the U.N./O.A.S.-sponsored International Civilian Mission (ICM) human rights observers. Responding to the threat to peace and security in the region, the U.N. Security Council passed Resolution 940 on July 31, 1994, authorizing the formation of a multinational force to use all necessary means to facilitate the departure from Haiti of the military leadership and the return of legitimate authorities including President Aristide.

In the succeeding weeks, the international community under U.S. leadership assembled a multinational coalition force to carry

out this mandate. At my request, former President Carter, Chairman of the Senate Armed Services Committee Sam Nunn, and former Chairman of the Joint Chiefs of Staff Colin Powell went to Haiti on September 16 to meet with the *de facto* Haitian leadership. The threat of imminent military intervention combined with determined diplomacy achieved agreement in Port-au-Prince on September 18 for the *de facto* leaders to relinquish power by October 15. United States forces in the vanguard of the multinational coalition force drawn from 26 countries began a peaceful deployment in Haiti on September 19 and the military leaders have since relinquished power.

In a spirit of reconciliation and reconstruction, on September 25 President Aristide called for the immediate easing of sanctions so that the work of rebuilding could begin. In response to this request, on September 26 in an address before the United Nations General Assembly, I announced by intention to suspend all unilateral sanctions against Haiti except those that affected the military leaders and their immediate supporters and families. On September 29, the U.N. Security Council adopted Resolution 944 terminating U.N.-imposed sanctions as of the day after President Aristide returned to Haiti.

On October 15, President Aristide returned to Haiti to assume his official responsibilities. Effective October 16, 1994, by Executive Order No. 12932 (59 Fed. Reg. 52403), October 14, 1994), I terminated the national emergency declared on October 4, 1991, in Executive Order No. 12775, along with all sanctions with respect to Haiti imposed in that Executive order, subsequent executive orders, and the Department of the Treasury regulations to deal with that emergency. This termination does not affect compliance and enforcement actions involving prior transactions or violations of the sanctions.

3. This report is submitted to the Congress pursuant to 50 U.S.C. 1641(c) and 1703(c). It is not a report on all U.S. activities with respect to Haiti, but discusses only those Administration actions and expenses since my last report (October 13, 1994) that are directly related to the national emergency with respect to Haiti declared in Executive Order No. 12775, as implemented pursuant to that order and Executive Orders Nos. 12779, 12853, 12872, 12914, 12917, 12920, and 12922.

4. The Department of the Treasury's Office of Foreign Assets Control (FAC) amended the Haitian Transactions Regulations, 31 C.F.R. Part 580 (the "HTR") on December 27, 1994 (59 Fed. Reg. 66476, December 27, 1994), to add section 580.524, indicating the termination of sanctions pursuant to Executive Order No. 12932, effective October 16, 1994. The effect of this amendment is to authorize all transactions previously prohibited by subpart B of the HTR or by the previously stated Executive orders. Reports due under general or specific license must still be filed with FAC covering activities up until the effective date of this termination. Enforcement actions with respect to past violations of the sanctions are not affected by the termination of sanctions. A copy of the FAC amendment is attached.

5. The total expenses incurred by the Federal Government during the period of the national emergency with respect to Haiti from

October 4, 1991, through October 15, 1994, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to Haiti are estimated to be approximately \$6.2 million, most of which represent wage and salary costs for Federal personnel. This estimate has been revised downward substantially from the sum of estimates previously reported in order to eliminate certain previously reported costs incurred with respect to Haiti, but not directly attributable to the exercise of powers and authorities conferred by the declaration of the terminated national emergency with respect to Haiti.

Thus, with the termination of sanctions, this is the last periodic report that will be submitted pursuant to 50 U.S.C. 1703(c) and also constitutes the last semiannual report and final report on Administration expenditures required pursuant to 50 U.S.C. 1641(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 3, 1995.*

Office of Foreign Assets Control
31 CFR Part 580

Haitian Transactions Regulations;
Termination of Sanctions

AGENCY: Office of Foreign Assets Control, Treasury.
ACTION: Final rule; amendments.

SUMMARY: Pursuant to Executive Order 12932 of October 14, 1994 (59 FR 52403), the Treasury Department has terminated, effective October 16, 1994, all sanctions with respect to Haiti imposed during the period of the national emergency declared on October 4, 1991 in Executive Order 12775. This termination does not affect compliance and enforcement actions involving prior transactions or violations of the sanctions.

EFFECTIVE DATE: 12:01 a.m. Eastern Daylight Time, October 16, 1994.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief of Licensing (tel.: 202/622-2480), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220.

SUPPLEMENTARY INFORMATION:

Electronic Availability:

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the *Federal Register*. By modem dial 202/512-1387 or call 202/512-1330 for disks or paper copies. This file is available in Postscript, WordPerfect 5.1 and ASCII.

Background:

The Office of Foreign Assets Control ("FAC") is amending the Haitian Transactions Regulations, 31 CFR Part 580 (the "HTR"), to add §500.524, implementing Executive Order 12932, which authorizes all transactions on or after October 16, 1994, involving property in which Haiti or its nationals have an interest, and all other transactions previously prohibited by the HTR. The effect of this amendment is to authorize all transactions previously prohibited by subpart B of the HTR or by Executive Order 12775, 12779, 12853, 12872, 12914, 12917, 12920 or 12922, effective October 16, 1994. On October 14, 1994, the

President signed Executive Order 12932 terminating the national emergency declared with respect to the *de facto* regime in Haiti and revoking all Executive orders promulgated with respect to that emergency, effective October 16, 1994. Newly authorized transactions include, but are not limited to, new investment, otherwise lawful importations from and exportations to Haiti, and brokering transactions. Reports due under general or specific license must still be filed covering activities up until the effective date of this rule. Enforcement actions with respect to past violations of the sanctions are not affected by this rule.

Because the HTR involve a foreign affairs function, Executive Order 12808 and the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date, are inapplicable. Because no notice of proposed rulemaking is required for this rule, the Regulatory Flexibility Act, 5 U.S.C. 601-612, does not apply.

List of Subjects in 31 CFR Part 580

Administrative practice and procedure, Agricultural commodities, Banking and finance, Blocking of assets, Exports, Foods, Haiti, Imports, Penalties, Reporting and recordkeeping requirements, Shipping, Specially designated nationals, Transfer of assets, Vessels.

For the reasons set forth in the preamble, 31 CFR part 580 is amended as follows:

PART 580—HAITIAN TRANSACTIONS REGULATIONS

1. The authority citation for part 580 is revised to read as follows:

Authority: 50 U.S.C. 1701-1706; 50 U.S.C. 1801-1851; 22 U.S.C. 287c; 3 U.S.C. 301; E.O. 12775, 94 FR 50841, 3 CFR, 1991 Comp., p. 249; E.O. 12779, 94 FR 55875, 3 CFR 1991 Comp., p. 267; E.O. 12853, 58 FR 35843, 3 CFR, 1993 Comp., p. 612; E.O. 12872, 58 FR 54029, 3 CFR, 1993 Comp., p. 638; E.O. 12914, 59 FR 24326, May 20, 1994; E.O. 12917, 59 FR 29825, May 24, 1994; E.O. 12920, 59 FR 30501, June 14, 1994; E.O. 12922, 59 FR 32845, June 23, 1994; E.O. 12932, 59 FR 52403, October 14, 1994.

Subpart E—Licenses, Authorizations and Statements of Licensing Policy

2. Section 500.524 is added to read as follows:

§ 500.524 Authorization of new transactions; lifting of sanctions.

(a) The prohibitions contained in §§ 580.301 through 580.311 of this part do not apply to any transaction occurring after 12:01 a.m. Eastern Daylight Time, October 16, 1994.

(b) Nothing in this section affects any action taken or proceeding pending and not finally concluded or determined on, or any action or proceeding based on, or any rights or duties that matured or penalties that were incurred prior to 12:01 a.m. EDT, October 16, 1994.

(c) Reports required pursuant to this part with respect to transactions occurring prior to 12:01 a.m. EDT, October 16, 1994, must still be filed with the Compliance Division, Office of Foreign Assets Control.

Dated: December 12, 1994.

E. Richard Novanek,

Director, Office of Foreign Assets Control.

Approved: December 14, 1994.

John Berry,

Deputy Assistant Secretary (Enforcement).

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