

DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH RESPECT TO THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA)

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COMMUNICATION

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

A REPORT ON ADDITIONAL STEPS TAKEN WITH RESPECT TO THE ACTIONS AND POLICIES OF THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA), PURSUANT TO 50 U.S.C. 1703(c)



SEPTEMBER 9, 1998.—Referred to the Committee on International Relations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE

THE WHITE HOUSE,  
Washington, August 18, 1998.

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report to the Congress that I have exercised my statutory authority to take additional steps with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and the national emergency declared in Executive Order 12865.

The circumstances that led to the declaration on September 26, 1993, of a national emergency have not been resolved. The actions and policies of UNITA continue to pose an unusual and extraordinary threat to the foreign policy of the United States. United Nations Security Council Resolution 864 (1993) imposed prohibitions against the sale of weapons, military materiel, and petroleum products to UNITA. United Nations Security Council Resolutions 1127 of August 28, 1997, and 1130 of September 29, 1997, imposed additional sanctions against UNITA due to the serious difficulties in the Angolan peace process resulting from delays by UNITA in the implementation of its essential obligations as established by the Lusaka Peace Protocol of November 20, 1994.

Recently, the United Nations Security Council acted to impose additional sanctions in response to UNITA's failure to comply with its obligations under the Lusaka Peace Protocol, which has jeopardized the return of peace to Angola. United Nations Security Council Resolutions 1173 of June 12, 1998, and 1176 of June 24, 1998, responded in particular to UNITA's continued refusal to allow the Government of Angola to establish state administration over four towns that remain under UNITA's control. These resolutions demand UNITA's compliance with its obligations under the Lusaka Peace Protocol, including demilitarization of all its forces, and full cooperation in the process of allowing the Government of Angola to extend its authority throughout Angola.

Accordingly, and pursuant to the requirements of United Nations Security Council Resolutions 1173 and 1176, I have exercised my statutory authority and issued an Executive order which: (1) blocks property and property interests (within the United States or within the possession or control of United States persons) of UNITA, and of designated senior officials of UNITA and adult members of their immediate families; (2) prohibits the importation into the United States of all diamonds exported from Angola that are not controlled by a Certificate of Origin regime of the Government of Angola; (3) prohibits the sale or supply to Angola from the United States or by United States persons, except through designated points of

entry, of motorized vehicles, watercraft, and spare parts for the foregoing, and equipment used in mining, regardless of origin; and (4) prohibits the sale or supply to Angola from the United States or by United States persons of mining services or of ground or waterborne transportation services, regardless of origin, to persons in UNITA-held territory. The order also prohibits any transaction by a United States person, or within the United States, that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the order.

In furtherance of the goals of United Nations Security Council Resolutions 1173 and 1176, and of the foreign policy interests of the United States, the order makes explicit that exemptions from the prohibitions that it imposes may be authorized for medical and humanitarian purposes.

The order defines UNITA to include: (1) the National Union for the Total Independence of Angola; (2) the Armed Forces for the Liberation of Angola (FALA); and (3) any person acting or purporting to act for or on behalf of the foregoing, including the Center for Democracy in Angola (CEDA).

The measures taken in the order will immediately demonstrate to UNITA the seriousness of our concern over its delays in implementing the peace process. The blocking of UNITA's property and the other prohibitions imposed under this Executive order will further limit UNITA's capacity to pay for its military build-up and to undermine the peace process. It is particularly important for the United States and the international community to demonstrate to UNITA the necessity of completing the peace process in Angola.

When UNITA fully complies with its obligations and completes its transition from an armed movement to an unarmed political party, the United States will support measures lifting these sanctions.

I am enclosing a copy of the Executive order I have issued. The order is effective at 12:01 a.m., eastern daylight time on August 19, 1998.

Sincerely,

WILLIAM J. CLINTON.

## EXECUTIVE ORDER

### BLOCKING PROPERTY OF UNITA AND PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO UNITA

By the authority vested in me as President by the Constitution and the laws of the United States of America, including 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.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, in view of United Nations Security Council Resolutions 1173 of June 12, 1998, and 1176 of June 24, 1998, and in order to take additional steps with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and the national emergency declared in Executive Order 12865, I, WILLIAM J. CLINTON, President of the United States of America, hereby order:

*Section 1.* Except to the extent provided in regulations, orders, directives, or licenses issued pursuant to this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, of UNITA, or of those senior officials of UNITA, or adult members of their immediate families, who are designated pursuant to section 5 of this order, are hereby blocked.

*Sec. 2.* Except to the extent provided in regulations, orders, directives, or licenses issued pursuant to this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the effective date of this order, the following are prohibited:

(a) the direct or indirect importation into the United States of all diamonds exported from Angola on or after the effective date of this order that are not controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation;

(b) the sale or supply by United States persons or from the United States of using U.S.-registered vessels or aircraft, of equipment used in mining, regardless of origin, to the territory of Angola other than through a point of entry designated pursuant to section 5 of this order;

(c) the sale or supply by United States persons or from the United States or using U.S.-registered vessels or aircraft, of motor-

ized vehicles, watercraft, or spare parts for the foregoing, regardless of origin, to the territory of Angola other than through a point of entry designated pursuant to section 5 of this order; and

(d) the sale or supply by United States persons or from the United States or using U.S.-registered vessels or aircraft, of mining services or ground or waterborne transportation services, regardless of origin, to persons in areas of Angola to which State administration has not been extended, as designated pursuant to section 5 of this order.

*Sec. 3.* Any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited.

*Sec. 4.* For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, trust, joint venture, corporation, or other organization;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(d) the term “UNITA” includes:

(i) the Uniao Nacional para a Independencia Total de Angola (UNITA), known in English as the “National Union for the Total Independence of Angola;”

(ii) the Forças Armadas para a Libertacao de Angola (FALA), known in English as the “Armed Forces for the Liberation of Angola;” and

(iii) any person acting or purporting to act for or on behalf of any of the foregoing, including the Center for Democracy in Angola (CEDA);

(e) the term “controlled through the Certificate of Origin regime of the Angolan Government of Unity and National Reconciliation” means accompanied by any documentation that demonstrates to the satisfaction of the United States Customs Service that the diamonds were legally exported from Angola with the approval of the Angolan Government of Unity and National Reconciliation.

*Sec. 5.* The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including designating senior officials of UNITA and adult members of their immediate families for purposes of section 1 of this order, designating points of entry in Angola and areas of Angola to which State administration has not been extended for purposes of section 2 of this order, establishing exemptions from the prohibitions set forth in this order for medical and humanitarian purposes, and promulgating rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including suspension or termination of licenses or other authorizations in effect as of the effective date of this order.

*Sec. 6.* Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

*Sec. 7.* (a) This order is effective at 12:01 a.m., eastern daylight time on August 19, 1998.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 18, 1998.*

