

PROHIBITION OF THE IMPORTATION OF
ROUGH DIAMONDS FROM SIERRA LEONE

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS REPORT ISSUING A NEW EXECUTIVE ORDER THAT PROHIBITS
THE IMPORTATION OF ROUGH DIAMONDS FROM SIERRA LEONE



JANUARY 20, 2001.—Referred to the Committee on International Relations
and ordered to be printed

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THE WHITE HOUSE,
Washington, January 19, 2001.

Hon. J. DENNIS HASTERT,
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) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a national emergency in response to the unusual and extraordinary threat posed to the foreign policy of the United States by Sierra Leone's insurgent Revolutionary United Front's (RUF's) illicit trade in diamonds from Sierra Leone to fund its operations and procurement of weapons and by the RUF's flagrant violation of the Lome Peace Agreement of July 7, 1999, between the Government of Sierra Leone and the RUF. I also have exercised by statutory authority to issue an Executive Order that prohibits the importation into the United States of all rough diamonds from Sierra Leone except for those importations of rough diamonds that are accompanied by a Certificate of Origin or other satisfactory documentation demonstrating that the rough diamonds were legally exported from Sierra Leone with the approval of the Government of Sierra Leone. These actions are mandated in part by United Nations Security Council Resolution 1306 of July 5, 2000.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under IEEPA and the United Nations Participation Act, 22 U.S.C. 287c, to implement this prohibition. All Federal agencies are also directed to take actions within their authority to carry out the provisions of the Executive Order.

I am enclosing a copy of the Executive Order I have issued. The order was effective at 12:01 a.m. eastern standard time on January 19, 2001.

I have authorized these measures in response to the RUF's illicit trade in diamonds from Sierra Leone to fund its operations and procurement of weapons and in response to the actions and policies of the RUF in failing to fully abide by the terms of the Lome Peace Agreement of July 7, 1999. The people of Sierra Leone have suffered the ravages of the brutal civil war for nearly a decade. The world's conscience has been shocked by the horrific actions of the RUF in Sierra Leone during this conflict. The widespread crimes against humanity perpetrated by RUF forces include mass amputations, rape, summary execution, and forced labor.

In late May 2000, United Nations Secretary General Annan encouraged the U.N. Security Council to consider taking measures to prevent the RUF from reaping the benefits of its illicit trade in diamonds that had been plundered from Sierra Leone. On July 5,

2000, the U.N. Security Council adopted Resolution 1306. The resolution determines that the situation in Sierra Leone continues to constitute a threat to international peace and security in the region, expresses concern at the role played by the illicit trade in diamonds in fueling the conflict in Sierra Leone, and decides that all states shall take the necessary measures to prohibit the direct or indirect importation of all rough diamonds from Sierra Leone to their territory. The resolution, in recognition of the economic importance of the legitimate diamond trade to Sierra Leone, further decides that rough diamonds controlled by the Government of Sierra Leone through a Certificate of Origin regime shall be exempt from the trade embargo.

Military forces of the Government of Sierra Leone and Military Observer Group forces provided by the Economic Community of West African States were engaged in military operations in Sierra Leone against the RUF until mid-1999. At that time, the Government of Sierra Leone and the RUF signed the Lome Peace Agreement, which provides for an end to hostilities and the disarmament, demobilization, and reintegration of the insurgent RUF forces. The United Nations Security Council in U.N. Security Council Resolutions 1270 and 1289 established the United Nations Mission in Sierra Leone (UNAMSIL) to facilitate implementation of the Lome Peace Agreement and to provide security at key locations and government buildings and at all sites of the disarmament, demobilization, and reintegration programs, among other tasks. The Lome Peace Agreement brought an end, sadly only temporarily, to the killings and the atrocities perpetrated by the RUF.

RUF forces have repeatedly violated the terms of the Lome Peace Agreement throughout this spring, when they engaged in deliberate and unprovoked armed attacks on U.N. peacekeepers and committed serious abuses against civilians and international and national aid workers. In May 2000, as UNAMSIL expanded its efforts to establish monitoring and disarmament sites in or near RUF-controlled territory, RUF forces initiated military activity in those areas, killing U.N. peacekeepers and capturing or isolating hundreds of UNAMSIL personnel. These actions brought the disarmament, demobilization, and reintegration processes agreed to in the Lome Peace Agreement to a virtual standstill and represent a direct hostile challenge to U.S. foreign policy objectives in the region, which include restoration of peace in Sierra Leone and promotion of democracy and the rule of law throughout the region. Failure to respond to this challenge would encourage other potential rogue organizations to transgress the rule-based international order, which is crucial to the peace and prosperity of the United States.

For the reasons discussed above, the RUF's illicit trade in diamonds from Sierra Leone and its flagrant violation of the Lome Peace Agreement constitute an unusual and extraordinary threat to the foreign policy of the United States. The measures we are taking will serve to bring an end to the illicit arms-for-diamonds trade through which the RUF perpetuates the tragic conflict in Sierra Leone. They also reflect our outrage at the RUF's repeated, widespread, and serious violations of the Lome Peace Agreement

and the RUF's continuing hostilities against the people of Sierra Leone and UNAMSIL personnel.

Sincerely,

WILLIAM J. CLINTON.

EXECUTIVE ORDER

PROHIBITING THE IMPORTATION OF ROUGH DIAMONDS FROM SIERRA LEONE

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, and in view of United Nations Security Council Resolution 1306 of July 5, 2000,

I, WILLIAM J. CLINTON, President of the United States of America, take note that the people of Sierra Leone have suffered the ravages of a brutal civil war for nearly 10 years, and that the United Nations Security Council has determined that the situation in Sierra Leone constitutes a threat to international peace and security in the region and also has expressed concerns regarding the role played by the illicit trade in diamonds in fueling the conflict in Sierra Leone. Sierra Leone's insurgent Revolutionary United Front's (RUF's) illicit trade in diamonds from Sierra Leone to fund its operations and procurement of weapons, the RUF's flagrant violation of the Lome Peace Agreement of July 7, 1999, and its attacks on personnel of the United Nations Mission in Sierra Leone are direct challenges to the United States foreign policy objectives in the region as well as a direct challenge to the rule-based international order which is crucial to the peace and prosperity of the United States. Therefore, I find these actions constitute an unusual and extraordinary threat to the foreign policy of the United States and hereby declare a national emergency to deal with that threat. In order to implement United Nations Security Council Resolution 1306 and to ensure that the direct or indirect importation into the United States of rough diamonds from Sierra Leone will not contribute financial support to aggressive actions by the RUF or to the RUF's procurement of weapons, while at the same time seeking to avoid undermining the legitimate diamond trade or diminishing confidence in the integrity of the legitimate diamond industry, I hereby order:

Section 1. Except to the extent provided in section 2 of this order and 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 direct or indirect importation into the United States of all rough dia-

monds from Sierra Leone on or after the effective date of this order is prohibited.

Sec. 2. The prohibition in section 1 of this order shall not apply to the importation of rough diamonds controlled through the Certificate of Origin regime of the Government of Sierra Leone.

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 or any jurisdiction within the United States (including foreign branches), or any person in the United States;

(d) the term “rough diamond” means all unworked diamonds classifiable in heading 7102 of the Harmonized Tariff Schedule of the United States; and

(e) the term “controlled through the Certificate of Origin regime of the Government of Sierra Leone” means accompanied by a Certificate of Origin or other documentation that demonstrates to the satisfaction of the United States Customs Service (or analogous officials of a United States territory or possession with its own customs administration) that the rough diamonds were legally exported from Sierra Leone with the approval of the Government of Sierra Leone.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of 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.

Sec. 6. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 7. This order is effective at 12:01 a.m. eastern standard time on January 19, 2001.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 18, 2001.*