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DEVELOPMENTS CONCERNING NATIONAL EMERGENCY WITH NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ON ACTIONS AND POLICIES OF THE NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNITA) AND THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12865, PURSUANT TO 50 U.S.C. 1703(c)



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THE WHITE HOUSE,
Washington, December 12, 1997.

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 pose a continuing 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 Resolution 1127 of August 28, 1997, and 1130 of September 29, 1997, determined that all Member States shall impose 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.

Accordingly, and pursuant to the requirements of United Nations Security Council Resolution 1127, I have issued an Executive order which: (1) orders the closure of all UNITA offices in the United States, and (2) prohibits: (a) the sale or supply in any form, by United States persons or from the United States or using U.S. registered aircraft, or any aircraft or aircraft components to UNITA, or to any location within Angola other than those specified by the Secretary of the Treasury in consultation with the Secretary of State; (b) the insurance, engineering or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA; (c) the granting of permission to any aircraft to take off from, land in, or overfly the United States if it is destined to land in or has taken off from any location in Angola not specified by the Secretary of the Treasury in consultation with the Secretary of State; and (d) the provision by United States persons or from United States of engineering and maintenance servicing, the certification of airworthiness, the payment of new claims against existing insurance contracts, or the provision or renewal of insurance to any aircraft registered in Angola not specified by the Secretary of the Treasury in consultation with the Secretary of State or to any aircraft that entered Angola through any location not specified

by the Secretary of the Treasury in consultation with the Secretary of State.

In furtherance of the goals of United Nations Security Council Resolution 1127 and of the foreign policy interests of the United States, the authorization of exemptions for flights responding to medical emergencies or for essential humanitarian and peace process mediation needs is implicit in this order.

Under the terms of this order, UNITA, includes: (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 United Nations Security Council acted to impose these additional sanctions in response to the actions and policies of UNITA in failing to comply with its obligations under the Lusaka Peace Protocol and thereby jeopardizing the return of peace to Angola. The United Nations Security Council resolutions demand UNITA's compliance with those obligations, including demilitarization of all its forces, transformation of its radio station into a nonpartisan broadcasting facility, and full cooperation in the process of normalization of government authority throughout Angola.

The above measures will immediately demonstrate to UNITA the seriousness of our concern over its delay to 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. The flight restrictions will further limit UNITA's capacity to import weapons and military materiel in violation of United Nations Security Council Resolution 864 (1993).

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

Sincerely,

WILLIAM J. CLINTON.

EXECUTIVE ORDER

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 National 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 Resolution 1127 of August 28, 1997, and 1130 of September 29, 1997, 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 Executed 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 an international agreement or any contract entered into or any license or permit granted prior to the effective date of this order, all UNITA offices located in the United States shall be immediately and completely closed.

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 an 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 sale, supply, or making available in any form, by United States persons or from the United States or using U.S.-registered vessels or aircraft, of any aircraft or aircraft components, regardless of origin:

(i) to UNITA; or

(ii) to the territory of Angola other than through a point of entry specified pursuant to section 4 of this order;

(b) the insurance, engineering, or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA;

(c) the granting of permission to any aircraft to take off from, land in, or overfly the United States if the aircraft, as part of the same flight or as a continuation of that flight, is destined to land in or has taken off from a place in the territory of Angola other than one specified pursuant to section 4 of this order;

(d) the provision or making available by United States persons or from the United State of engineering and maintenance servicing,

the certification of airworthiness, the payment of new claims against existing insurance contracts, or the provision, renewal, or making available of direct insurance with respect to:

(i) any aircraft registered in Angola other than those specified pursuant to section 4 of this order; or

(ii) any aircraft that entered the territory of Angola other than through a point of entry specified pursuant to section 4 of this order;

(e) any transaction by any 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.

Sec. 3. 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).

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, other agencies, is hereby authorized to take such actions, including the specification of places, points of entry, and aircraft registered in Angola for purposes of section 2(a), (c), and (d) of this order, the authorization in appropriate cases of medical emergency flights or flights of aircraft carrying food, medicine, or supplies for essential humanitarian needs, and 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, including suspension or termination of licenses or other authorizations in effect as of the effective date of this order.

Sec. 5. 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. 6. (a) This order is effective at 12:01 a.m. eastern standard time on December 15, 1997.

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

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 12, 1997*.

