

NATIONAL EMERGENCY WITH RESPECT TO LIBERIA

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

NOTIFICATION THAT HE HAS EXERCISED THE AUTHORITY GRANTED TO HIM TO ISSUE AN EXECUTIVE ORDER THAT PROHIBITS THE IMPORTATION INTO THE UNITED STATES OF ALL ROUGH DIAMONDS ORIGINATED IN LIBERIA, WHETHER OR NOT SUCH DIAMONDS ORIGINATED IN LIBERIA, PURSUANT TO 50 U.S.C. 1703(b)



MAY 24, 2001.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE



*To the Congress of the United States:*

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 expand the scope of an existing national emergency in response to the unusual and extraordinary threat posed to the foreign policy of the United States by the Government of Liberia's complicity in the illicit trade in diamonds from Sierra Leone by the insurgent Revolutionary United Front of Sierra Leone (RUF) and by the Government of Liberia's other forms of support for the RUF. I also have exercised my statutory authority to issue an Executive Order that prohibits the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. These actions are mandated in part by United Nations Security Council Resolution 1343 of March 7, 2001.

The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to issue regulations in exercise of my authorities under the 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 daylight time on May 23, 2001.

I have authorized these measures in furtherance of Executive Order 13194 of January 18, 2001, and in response to the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF. The Government of Liberia's actions in this regard constitute an unusual and extraordinary threat to the foreign policy of the United States because they directly challenge United States foreign policy objectives in the region and the rule-based international order that is crucial to the peace and prosperity of the United States.

In Executive Order 13194, President Clinton responded to the RUF's illicit arms-for-diamonds trade that fuels the brutal, decade-long civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all rough diamonds from Sierra Leone except for those importations controlled through the certificate of origin regime of the Government of Sierra Leone. In a report issued on December 14, 2000, the United Nations Panel of Experts established pursuant to resolution 1306 found that diamonds represent a major and primary source of income for the RUF to sustain and advance its military activities; that the bulk of the RUF diamonds leaves Sierra Leone

through Liberia; and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels. The Panel recommended, among other things, a complete embargo on all diamonds from Liberia until Liberia demonstrates convincingly that it is no longer involved in the trafficking of arms to, or diamonds from, Sierra Leone.

On March 7, 2001, the Security Council unanimously adopted resolution 1343 to impose sanctions against the Government of Liberia. The resolution determine that the Government of Liberia's active support for the RUF in Sierra Leone and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region and decided that all states shall impose an immediate arms embargo on Liberia and also shall impose travel and diamond bans on Liberia on May 7, 2001, unless the Council determined before that date that the Government of Liberia had ceased its support for the RUF and for other armed rebel groups and, in particular, had taken a number of concrete steps identified in the resolution. In furtherance of this resolution, the Secretaries of State, Commerce, and Defense have taken steps, under their respective authorities, to implement the arms embargo.

With regard to the travel ban and diamond embargo, the Government of Liberia has failed, notwithstanding the two-month implementation period granted by resolution 1343, to honor its commitments to cease its support for the RUF and other armed rebel groups. As a result, the Security Council did not determine that Liberia has complied with the demands of the Council.

In Proclamation 7359 of October 10, 2000, President Clinton suspended the entry as immigrants and nonimmigrants of persons who plan, engage in, or benefit from activities that support the RUF or that otherwise impede the peace process in Sierra Leone. The application of that Proclamation implements the travel ban imposed by resolution 1343.

Finally, for the reasons discussed above and in the enclosed Executive Order, I also have found that the Government of Liberia's continuing facilitation of and participation in the RUF's illicit trade in diamonds from Sierra Leone and its other forms of support for the RUF contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat, and consistent with resolution 1343 and this finding, I have taken action to prohibit the importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated there, in order to contribute to the international effort to bring a prompt end to the illicit arms-for-diamonds trade by which the RUF perpetuates the tragic conflict in Sierra Leone. This action, as well as those discussed above, also expresses our outrage at the Government of Liberia's ongoing contribution to human suffering in Sierra Leone and other neighboring countries, as well as its continuing failure to bide by international norms and the rule of law.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 23, 2001.*

## EXECUTIVE ORDER

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### *Additional Measures With Respect to 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 the national emergency described and declared in Executive Order 13194 of January 18, 2001, and United Nations Security Council Resolutions 1306 of July 5, 2000, and 1343 of March 7, 2001,

I, GEORGE W. BUSH, President of the United States of America, take note that in Executive Order 13194, the President responded to, among other things, the insurgent Revolutionary United Front's (RUF) illicit trade in diamonds to fund its operations in the civil war in Sierra Leone by declaring a national emergency and, consistent with United Nations Security Council Resolution 1306, by prohibiting the importation into the United States of all rough diamonds from Sierra Leone except for those importations controlled through the Certificate of Origin regime of the Government of Sierra Leone. United Nations Security Council Resolution 1343 takes note that the bulk of RUF diamonds leaves Sierra Leone through Liberia and that such illicit trade cannot be conducted without the permission and involvement of Liberian government officials at the highest levels; determines that the active support provided by the Government of Liberia for the RUF and other armed rebel groups in neighboring countries constitutes a threat to international peace and security in the region; and decides that all states shall take the necessary measures to prevent the importation of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia. The Government of Liberia's complicity in the RUF's illicit trade in diamonds and its other forms of support for the RUF are direct challenges to United States foreign policy objectives in the region as well as to the rule-based international order that is crucial to the peace and prosperity of the United States. Therefore, I find these actions by the Government of Liberia contribute to the unusual and extraordinary threat to the foreign policy of the United States described in Executive Order 13194 with respect to which the President declared a national emergency. In order to deal with that threat and to ensure further that the direct or indirect importation into the United States of rough diamonds from Sierra Leone will not contribute financial support to further aggressive actions by the RUF or to the

RUF's procurement of weapons; to implement United Nations Security Council Resolution 1343; and to counteract, among other things, the Government of Liberia's facilitation of and participation in the RUF's illicit trade in diamonds through Liberia, I hereby order the following additional measures be taken with respect to prohibiting the importation of rough diamonds from Sierra Leone:

*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, the direct or indirect importation into the United States of all rough diamonds from Liberia, whether or not such diamonds originated in Liberia, on or after the effective date of this order is prohibited.

*Sec. 2.* 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. Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

*Sec. 3.* The definitions contained in section 4 of Executive Order 13194 apply to the terms used in this order.

*Sec. 4.* 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, including modification, suspension, or termination of licenses or authorizations in effect as of the date of this order.

*Sec. 5.* 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. 6.* (a) This order is effective at 12:01 a.m. eastern daylight time on May 23, 2001.

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

GEORGE W. BUSH.

THE WHITE HOUSE, *May 22, 2001.*