

EXECUTIVE ORDER 13098

August 19, 1998

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 or 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 motorized 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 Libertação 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