

## EXECUTIVE ORDER 12865

September 26, 1993, 58 FR 51005

### PROHIBITING CERTAIN TRANSACTIONS INVOLVING 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.), 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), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution No. 864 of September 15, 1993,

I, WILLIAM J. CLINTON, President of the United States of America, take note of the United Nations Security Council's determination that, as a result of UNITA's military actions, the situation in Angola constitutes a threat to international peace and security, and find that the actions and policies of UNITA, in continuing military actions, repeated attempts to seize additional territory and failure to withdraw its troops from locations that it has occupied since the resumption of hostilities, in repeatedly attacking United Nations personnel working to provide humanitarian assistance, in holding foreign nationals against their will, in refusing to accept the results of the democratic elections held in Angola in 1992, and in failing to abide by the "Acordos de Paz," 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. I hereby order:

**Section 1.** The following are prohibited, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or contract entered into or any license or permit granted before the effective date of this order, except to the extent provided in regulations, orders, directives, or licenses which may hereafter be issued pursuant to this order:

(a) The sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, as well as petroleum and petroleum products, regardless of origin:

(1) to UNITA;

(2) to the territory of Angola, other than through points of entry to be designated by the Secretary of the Treasury, or any activity by United States persons or in the United States which promotes or is calculated to promote such sale or supply.

(b) Any transaction by any United States person 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. 2.** For purposes of this order:

(a) The term "United States person" means any United States citizen, permanent resident alien,

juridical person organized under the laws of the United States (including foreign branches), or person in the United States;

(b) The term "UNITA" includes:

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

(2) the Forças Armadas para a Libertação de Angola (FALA), known in English as the "Armed Forces for the Liberation of Angola;" and

(3) any person acting or purporting to act for or on behalf of any of the foregoing, including the Free Angola Information Service, Inc.

**Sec. 3.** 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 the International Emergency Economic Powers Act and the United Nations Participation Act as may be necessary to carry out the purpose of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government.

**Sec. 4.** Nothing contained in the order shall be construed to supersede the requirements established under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the Export Administration Act (50 U.S.C. App. 2401 et seq.) to obtain licenses for the exportation from the United States or from a third country of any goods, data, or services subject to the export jurisdiction of the Department of State or the Department of Commerce.

**Sec. 5.** All Federal agencies 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 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 shall take effect immediately.

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

WILLIAM J. CLINTON