DEPARTMENT OF STATE

Bureau of Politico-Military Affairs

22 CFR Part 126

[Public Notice 1510]

International Traffic in Arms Regulations; Amendments

AGENCY: U.S. Department of State

ACTION: Final rule.

SUMMARY: The Department of State is formally removing Chile, Poland, Hungary, Czechoslovakia, East Germany, and South Yemen (PDRY) from the list of prescribed destinations for exports of defense articles and services in the International Traffic in Arms Regulations (ITAR) (22 CFR parts 120-130) and is expressly adding Iraq to the list of prohibited destinations. Additionally, this notice revises §§120.1(c) and 126.1(d)(2) to reflect current export policy on South Africa in light of the termination of the major sanctions against South Africa imposed under the Comprehensive Anti-Apartheid Act of 1986.


FOR FURTHER INFORMATION CONTACT: Rose Marie H. Biancanello, Chief, Arms Licensing Division, U.S. Department of State, Office of Defense Trade Controls, tel. (703) 875-0644.

SUPPLEMENTARY INFORMATION: The ITAR is being amended to reflect changes in export policy affecting several countries.

On December 1, 1990, the Secretary of State made a determination pursuant to section 728 of the International Security and Development Cooperation Act of 1981 and officially removed Chile from the prohibition codified in §126.1(a) of the ITAR. The arms embargo against Chile terminated at that time. Section 126.1(a) of the ITAR is being amended to reflect this change.

On September 1, 1990, the Acting Secretary of State determined that Iraq had repeatedly provided support for acts of international terrorism and thereby returned Iraq to the terrorism list currently contained in §126.1(b) of the ITAR. Iraq will now be subject to the requirements of section 40 of the Arms Export Control Act and the policy specified in §126.1(a) of the ITAR.

At the same time, South Yemen (the former PDRY) was removed from the official list of terrorism supporting countries. (South Yemen had merged with the Yemen Arab Republic to form the Republic of Yemen and ceased to exist as a state entity.)

Poland, Hungary, Czechoslovakia and the geographical region previously known as the German Democratic Republic (or East Germany) are being deleted from the list of prescribed countries contained in §126.1(a) of the ITAR. Thus, the Department will consider applications for licenses for the export of U.S. munitions list items to these areas on a case-by-case basis.

Finally, on July 10, 1991, the President issued Executive Order Number 12781, in which he concluded that the major sanctions against South Africa contained in title III of the Comprehensive Anti-Apartheid Act of 1986 (CAAA) had terminated. The preexisting arms embargo against South Africa was not affected by the President’s action. Thus, the only effect of the termination of the CAAA sections with respect to arms exports is that advance Congressional notification is not required before any license may be approved by the State department.

Section 126.1(c) is being amended to delete references to the CAAA and to state the current policy on exports of munitions items to South Africa.

Current U.S. policy refers to the country previously known as “Kampuchea” by the name “Cambodia.” As a technical change, the ITAR is being amended to reflect current U.S. Government usage.

This amendment involves a foreign affairs function of the United States and thus is excluded from the major rule procedures of Executive Order Number 12866 (58 FR 3097) and the procedures of 5 U.S.C. 553 and 554. This final rule does not contain a new or amended information requirement subject to the
PART 126—[AMENDED]

The authority citation for part 126 is revised to read as follows:


2. Section 126.1 is amended by revising paragraphs (e), (c), and (d), by removing paragraph (f), and by redesignating paragraph (g) as new paragraph (g) to read as follows:

§ 126.1 Prohibited exports and sales to certain countries.

(e) General. It is the policy of the United States to deny license and other approval with respect to defense articles and defense services destined for or originating in certain countries or areas. This policy also applies to exports to and imports from these countries or areas. This policy applies to Albania, Bulgaria, Cambodia, Cuba, Estonia, Latvia, Lithuania, North Korea, Laos, Mongolia, Romania, the Soviet Union and Vietnam. This policy also applies to countries or areas with respect to which the United States maintains an arms embargo (e.g., Angola) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. The exemption provided in the regulations in this subchapter, except § 125.17 and § 125.4(b)(13) of this subchapter, does not apply with respect to exports to or originating in any of such proscribed countries or areas.

(d) Terrorism. Exports to countries that have repeatedly provided support for acts of international terrorism are contrary to the foreign policy of the United States and are thus subject to the policy specified in paragraph (a) of this section and the requirements of section 40 of the Arms Export Control Act (22 U.S.C. 2780). The countries in this category are Cuba, Iran, Iraq, Libya, Syria, and North Korea. These are the same countries identified pursuant to section 6(j) of the Export Administration Act, as amended (50 U.S.C. App. 2405(j)).

For the Department of State.

Lawrence S. Eagleburger,
Acting Secretary.

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