

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 proscribed 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 §§ 126.1(c) and 126.1(o)(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.

EFFECTIVE DATE: October 29, 1991.

FOR FURTHER INFORMATION CONTACT:
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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 726 of the International Security
and Development Cooperation Act of
1981 and officially removed Chile from
the prohibition codified in § 126.1(e) 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(d) 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 proscribed
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 12768,
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
12291 (46 FR 13199) 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

Paperwork Reduction Act (44 U.S.C. 3501 *et. seq.*)

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports

Accordingly, for the reasons set forth in the preamble, and under the authority of the Arms Export Control Act, the State Department is adopting the following amendments to 22 CFR part 126

PART 126—[AMENDED]

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

Authority: Sec 38 sec. 42, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778, 2780), E.O. 11950, 42 FR 4311, E.O. 11322 32 FR 119-22 U.S.C. 2658

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

§ 126.1 Prohibited exports and sales to certain countries.

(a) **General.** It is the policy of the United States to deny license and other approvals 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, Outer 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 exemptions provided in the regulations in this subchapter, except § 123.17 and § 125.4(b)(13) of this subchapter, do not apply with respect to exports to or originating in any of such proscribed countries or areas.

(c) **South Africa** South Africa is subject to an arms embargo and thus to the policy specified in paragraph (e) of this section. Exceptions may be made to this policy only if the Assistant Secretary for Politico-Military Affairs determines that

(1) The item is not covered by United Nations Security Council Resolution 418 of November 4, 1977, and

(2) The item is to be exported solely for commercial purposes and not for use by the armed forces, police, or other security forces of South Africa or for any other similar purpose

(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))

Dated September 20, 1991
For the Department of State.

Lawrence S. Eagleburger,

Acting Secretary

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