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## 604 - The Wild, Wild West (and East and North and South): Legal Risks in the Frontier Markets

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### U.S. Sanctions

- **U.S. Sanctions are enforced by the Office of Foreign Asset Control (part of the U.S. Treasury Department)**
- **Sanctions are derived from a number of Federal laws, including the Trading with the Enemy Act of 1917 and most importantly the International Emergency Economic Powers Act of 1977 (IEEPA)**
- **IEEPA authorizes the President to issue an executive order that prohibits trade with a specific state, government, NGO, or individual, or authorizes the Secretaries of State and Treasury to designate specific global entities for sanction.**
- **Sanctions are enforced by OFAC and codified in the CFR under Title 31, Subtitle B, Chapter V.**



## U.S. Sanctions

- » “What You Need To Know About U.S. Sanctions:”  
<http://www.fas.org/irp/threat/t11ter.pdf>
  - This is a general overview of OFAC-enforced sanctions. It contains the basic definition of a sanction and lists of entities against whom the U.S. has imposed sanctions.
- » OFAC Sanctions Program on the OFAC websites:  
<http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>
  - This is a list of links to OFAC reports on its sanction programs.
- » OFAC regulations in the CFR:  
[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=8189df0a2eb34338e49b7152f3c6bd43&c=ecfr&tpl=/ecfr/browse/Title31/31cfrv3\\_02.tpl#500](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=8189df0a2eb34338e49b7152f3c6bd43&c=ecfr&tpl=/ecfr/browse/Title31/31cfrv3_02.tpl#500)
  - This is a list of links to OFAC sanctions as codified in the CFR.



## U.S. Export Controls

- **U.S. exports are controlled by the Bureau of Industry and Security (BIS), part of the U.S. Department of Commerce.**
- **BIS enforces the Export Administration Act of 1979 (“EAA”), authorizes the President to limit the trade of dual-use materials to unstable or hostile states.**
- **EAA regulations - Economic Administration Regulations – “EAR”, are codified in the CFR under Title 15, Subtitle B, Chapter III, Subchapter C.**
- **The Commerce Country Chart (Supplement No. 1 to Part 738 of the EAR) list the bases for countries’ subjection to EAR.**
- **Licenses can be acquired from BIS to export controlled materials to countries to which export of these materials would otherwise be prohibited. EAA expired in 1994, but President Clinton preserved EAR within the CFR through the IEEPA.**

## U.S. Export Controls

- » EAR supplied by the BIS:  
<http://www.bis.doc.gov/policiesandregulations/ear/index.html>
  - This is the complete bank of EAR documents supplied by the BIS webpage.
- » Commerce Country Chart:  
[http://www.bis.doc.gov/policiesandregulations/ear/738\\_supp1.pdf](http://www.bis.doc.gov/policiesandregulations/ear/738_supp1.pdf)
  - This is the Commerce Country Chart supplied by the BIS.
- » EAR on the CFR:  
[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=256c971f2e9cb547e32ac24ffc861acb&c=ecfr&tpl=ecfrbrowse/Title15/15cfrv2\\_02.tpl#730](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=256c971f2e9cb547e32ac24ffc861acb&c=ecfr&tpl=ecfrbrowse/Title15/15cfrv2_02.tpl#730)
  - This is the link to the EAR on the CFR.

## EU Dual-Use Export Control

- Although dual-use materials can generally be traded freely within the EU member nations, a unified code of export regulations has been sought for reasons parallel to those of the United States' EAA. In order to export dual-use materials beyond the EU, an export authorization is required.
- » This is an overview of the EU's dual-use materials export policy:  
<http://ec.europa.eu/trade/creating-opportunities/trade-topics/dual-use/>
- » This is a separate fact sheet on the EU's dual-use materials export policy:  
<http://ec.europa.eu/trade/creating-opportunities/trade-topics/dual-use/>
- » These are the actual EU council regulations regarding the export of dual-use materials:  
[http://trade.ec.europa.eu/doclib/docs/2009/june/tradoc\\_143390.pdf](http://trade.ec.europa.eu/doclib/docs/2009/june/tradoc_143390.pdf)
- » This is a green paper issued by the EU Commission on dual-use export control:  
[http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc\\_148020.pdf](http://trade.ec.europa.eu/doclib/docs/2011/june/tradoc_148020.pdf)



## Travel Warnings and Restrictions

- State Department website: “Travel Warnings are issued when conditions make a country dangerous or unstable and lead the State Department to recommend that Americans avoid or consider the risk of travel to that country. A Travel Warning is also issued when the U.S. Government's ability to assist American citizens is constrained due to the closure of an embassy or consulate or because of a drawdown of its staff.”

[http://travel.state.gov/travel/cis\\_pa\\_tw/tw/tw\\_1764.html](http://travel.state.gov/travel/cis_pa_tw/tw/tw_1764.html)

- » A description of Customs and Import Restrictions from the State Department:  
[http://travel.state.gov/travel/tips/tips\\_1232.html#customs](http://travel.state.gov/travel/tips/tips_1232.html#customs)
- » International **Fact Sheet on Pirates** from the State Department:  
[http://travel.state.gov/travel/cis\\_pa\\_tw/piracy/piracy\\_4420.html](http://travel.state.gov/travel/cis_pa_tw/piracy/piracy_4420.html)
- » State Department information page on **Trade Restrictions**:  
<http://www.state.gov/e/eb/cba/faw/178.html>
- » U.S. citizens can use this page to find information about **travel to specific countries**:  
[http://travel.state.gov/travel/travel\\_1744.html](http://travel.state.gov/travel/travel_1744.html)