

FOIA MARKER

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Folder Title:

Bosnia and Bihac, November 1994 [3]

Staff Office-Individual:

European Affairs-Vershbow, Alexander

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850

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34	1	10	1	V

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	For Anthony Lake from Don Kerrick and Alan Kreczko. Subject: Principals Committee Meeting on Bosnia, November 7, 1994. Record ID: 9421302. (6 pages)	11/04/1994	P1/b(1)
001b. agenda	Principals Committee Meeting on Bosnia, November 7, 1994. Record ID: 9421284. (1 page)	11/04/1994	P1/b(1)
001c. paper	Operational Changes for U.S. Forces Required by the Implementation of the Nunn-Mitchell Amendment. (5 pages)	11/04/1994	P1/b(1)
001d. report	Nunn-Mitchell Amendment and Intelligence Sharing. (5 pages)	11/04/1994	P1/b(1)
001e. paper	Implementing Nunn-Mitchell: Congressional Strategy. (2 pages)	n.d.	P1/b(1)
001f. paper	UNSC Lift Resolution: Progress Report. (1 page)	n.d.	P1/b(1)
001g. paper	Inter-Serb Sanctions - An Assessment Strategy. (4 pages)	11/01/1994	P1/b(1)
001h. report	Implications of the Bihac Offensive. (3 pages)	11/02/1994	P1/b(1)
002. cable	re: Plan B - EU Approach to Equal Rights. (2 pages)	11/04/1994	P1/b(1)
003a. memo	For Richard Holbrooke, Joseph Kruzel, Lieutenant General Wesley Clark et al from Leon Fuerth and Alexander Vershbow. Subject: Principals Committee Tasking on Bosnia. (1 page)	11/01/1994	P1/b(1)
003b. report	Duplicate of 001g. (4 pages)	11/01/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
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European Affairs (Alexander Vershbow)
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FOLDER TITLE:

Bosnia and Bihac, November 1994 [3]

2013-0687-F

vz2605

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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004a. cable	re: Demarche to Bosnian Leaders. (1 page)	11/01/1994	P1/b(1)
004b. cable	re: Demarche to Serbian Leader Milosevic. (2 pages)	11/03/1994	P1/b(1)
005. draft	Information Paper. Subject: Congressional Consultations on Unilateral Lift. (1 page)	10/24/1994	P1/b(1)
006. table	Easing Sanctions. (1 page)	11/02/1994	P1/b(1)
007. draft	Report. Intelligence Sharing: Issues and Outlook. (4 pages)	11/01/1994	P1/b(1)
008. draft	Discussions Between the United Nations and NATO. (3 pages)	10/27/1994	P1/b(1)

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001b. agenda	Principals Committee Meeting on Bosnia, November 7, 1994. Record ID: 9421284. (1 page)	11/04/1994	P1/b(1)

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001d. report	Nunn-Mitchell Amendment and Intelligence Sharing. (5 pages)	11/04/1994	P1/b(1)

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001e. paper	Implementing Nunn-Mitchell: Congressional Strategy. (2 pages)	n.d.	P1/b(1)

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004a. cable	re: Demarche to Bosnian Leaders. (1 page)	11/01/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 850

FOLDER TITLE:

Bosnia and Bihac, November 1994 [3]

2013-0687-F
vz2605

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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RR. Document will be reviewed upon request.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004b. cable	re: Demarche to Serbian Leader Milosevic. (2 pages)	11/03/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 850

FOLDER TITLE:

Bosnia and Bihac, November 1994 [3]

2013-0687-F

vz2605

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. draft	Information Paper. Subject: Congressional Consultations on Unilateral Lift. (1 page)	10/24/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 850

FOLDER TITLE:

Bosnia and Bihac, November 1994 [3]

2013-0687-F

vz2605

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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Sanctions and the Bold Approach
Proposed US Position

AS DISCUSSED ON 11/3

Policy Goals	Sanctions Levers
Milosevic agrees to: –Mutual recognition of Slovenia, Croatia, Bosnia-Herzegovina, and FYROM. –End to all military, financial, and logistic support of Bosnian Serb forces. – Cessation of trade with Krajina Serbs, including an end to oil extraction from Sector East. –Increase protection of minority rights, including return of CSCE monitors	Suspension of UN sanctions on trade and transshipment of non-strategic goods (with strategic goods as defined in UNSCR 787¹).²
Bosnian Serb acceptance of Contact Group plan and withdrawal to agreed territories -OR- Knin acceptance and initial implementation of Krajina plan	Suspension of sanctions against trade and transshipment of strategic goods. Suspension of financial sanctions. Release of frozen assets.
Full implementation of Bosnia and Krajina plans. Resolution of other regional issues (inter alia, minority rights, regional arms reductions, War Crimes Tribunal).	Lifting of all UN sanctions. Serbia becomes eligible for participation in international financial institutions and regional recovery programs.

¹ UNSCR 787 defines strategic goods as: Crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tires, vehicles, aircraft, and motors of all types.

² Financial sanctions (except for limited, clearly defined exceptions necessary to conduct trade in non-strategic goods), assets freeze, and ban on strategic trade all remain in place.

Sanctions and the Bold Approach
Proposed US Position

AS DISCUSSED ON 11/3

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Milosevic agrees to: –Mutual recognition of Slovenia, Croatia, Bosnia-Herzegovina, and FYROM. –End to all military, financial, and logistic support of Bosnian Serb forces. – Cessation of trade with Krajina Serbs, including an end to oil extraction from Sector East. –Increase protection of minority rights, including return of CSCE monitors	Suspension of UN sanctions on trade and transshipment of non-strategic goods (with strategic goods as defined in UNSCR 787¹).²
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Sanctions and the Bold Approach
Proposed US Position

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Sanctions and the Bold Approach
Proposed US Position

AS DISCUSSED ON 11/3

Policy Goals	Sanctions Levers
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² Financial sanctions (except for limited, clearly defined exceptions necessary to conduct trade in non-strategic goods), assets freeze, and ban on strategic trade all remain in place.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. table	Easing Sanctions. (1 page)	11/02/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 850

FOLDER TITLE:

Bosnia and Bihac, November 1994 [3]

2013-0687-F
vz2605

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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Sanctions and the Bold Approach
UK Position

"Plan B"

Policy Goals	Sanctions Levers
Milosevic endorses Plan B and fulfills its requirements: --Mutual recognition of Slovenia, Croatia, FYROM, B-H, and FRY within their internationally accepted borders. --Milosevic continues to accept Contact Group plan for Bosnia.¹ --Milosevic accepts the ICFY plan as the basis for a solution for the areas of Croatia under UN protection. --Continued closure of the inter-Serb border; continuation of FRY policy restricting exports to the Krajina Serbs except for humanitarian goods.	Suspension of sanctions against trade and transshipment of non-strategic goods² Suspension of financial sanctions Release of frozen assets
Bosnian Serb acceptance of Contact Group plan and withdrawal. -or- Knin acceptance of the Krajina plan.	Suspension of sanctions against trade and transshipment of strategic goods.
Implementation of both the Bosnia and Krajina plans.	Lifting of all UN sanctions.

¹ Contact Group makes clear that there will be equality of rights for Bosniac Croat and Bosnian Serb Entities provided this is not inconsistent with the integrity of the Union of Bosnia-Herzegovina; and also making clear that mutually agreed land swaps are possible once the Contact Group map has been accepted in principle.

² Trade sanctions remain on "strategic goods" as defined in the EU Action Plan.

Sanctions and the "Bold Approach"
Proposed US Position

OPTION I: TWO-STEP SANCTIONS RELIEF

Policy Goals	Sanctions Levers
Milosevic agrees to: –Mutual recognition of Slovenia, Croatia, Bosnia-Herzegovina, and FYROM. –End to all military, financial, and logistic support of Bosnian Serb forces. – Cessation of trade with Krajina Serbs, including an end to oil extraction from Sector East. –Increase protection of minority rights, including return of CSCE monitors	Suspension of UN sanctions on trade and transshipment of non-strategic goods.¹
Bosnian Serb acceptance of Contact Group plan and withdrawal to agreed territories -and- Knin acceptance and initial implementation of Krajina plan	Suspension of sanctions against trade and transshipment of strategic goods. Suspension of financial sanctions. Release of frozen assets.
Full implementation of Bosnia and Krajina plans. Resolution of other regional issues (inter alia, minority rights, regional arms reductions, War Crimes Tribunal).	Lifting of all UN sanctions. Serbia becomes eligible for participation in international financial institutions and regional recovery programs.

¹ Financial sanctions (except for current account transactions needed to conduct trade in non-strategic goods), assets freeze, and ban on strategic trade remains in place. Strategic trade as defined in UNSCR 787, not as defined by (shorter) EU list.

Sanctions and the "Bold Approach"¹
Proposed US Position

OPTION II: ONE-STEP SANCTIONS RELIEF

Policy Goals	Sanctions Levers
Milosevic agrees to: –Mutual recognition of Slovenia, Croatia, Bosnia-Herzegovina, and FYROM. –End to all military, financial, and logistic support of Bosnian Serb forces. – Cessation of trade with Krajina Serbs, including an end to oil extraction from Sector East. –Increase protection of minority rights, including return of CSCE monitors	Suspension of <u>all</u> UN sanctions for a period of X days. UNSC must act to extend sanctions suspensions at the end of X days. ¹
Bosnian Serb acceptance of and full implementation of Contact Group plan. Knin acceptance and full implementation of Krajina plan. Resolution of other regional issues (inter alia, minority rights, regional arms reductions, War Crimes Tribunal).	Lifting of all UN sanctions. Serbia becomes eligible for participation in international financial institutions and regional recovery programs.

¹ It would be a policy decision whether subsequent suspensions should be for a finite period (y more days) or indefinite. An indefinite suspension after the first (or subsequent) extension might serve as an inducement for Serb good behavior.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. draft	Report. Intelligence Sharing: Issues and Outlook. (4 pages)	11/01/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 850

FOLDER TITLE:

Bosnia and Bihac, November 1994 [3]

2013-0687-F
vz2605

RESTRICTION CODES

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SV —

From

Alan K.

10/31/94

(K)

10/31

Nunn-Mitchell: October 27 Hill briefings on Bosnia

On October 27, State briefed interested House and Senate staff on Bosnia. In order to ensure good coordination, I wanted to circulate notes on issues that arose of interest to the legal offices that have been following Nunn-Mitchell:

1. The great bulk of the briefing covered policy issues. On Nunn-Mitchell, we said that we had already described our legal interpretation of the amendment, that the military was in the process of putting together a package of how we might proceed to implement, and that that would be submitted for policy-level approval around November 1.

2. Steve Rademaker (HFAC minority counsel) argued that -- notwithstanding our legal arguments -- it would be a political mistake to apply Nunn-Mitchell as flexibly as we are interpreting it; and that doing so would only trigger congressional resentment.

He argued that, rather than figuring out how to avoid Nunn-Mitchell, we would be better off using its approach as a guide for our policy: trying to persuade our allies that, although they cannot themselves violate the embargo, they should cease enforcing it against other countries.

3. Following the briefing, Rademaker made two legal points about our interpretation of Nunn-Mitchell:

-- First, he argued that if the "for the purpose" language means what we say, then the exception in Nunn-Mitchell for activities to enforce Serbia sanctions [subsection f(3)(b)] would be superfluous. In other words, if Nunn-Mitchell allowed us to continue activities for purposes other than enforcing sanctions against Bosnia, then it would have been unnecessary for Congress to include language stating specifically that the restriction is not intended to impede enforcement of sanctions against Serbia.

-- I replied that the Serbia language was of a declaratory nature that was consistent with our interpretation of Nunn-Mitchell and underscored our approach in the specific context of Serbia sanctions enforcement. I also argued that, if we accepted his interpretation, not only enforcement of sanctions against Croatia would be affected, but a range of other activities in the area -- all of which provide incidental or indirect support for enforcement of

- 2 -

sanctions against Bosnia -- might also then be construed to be prohibited. (The hypothetical I gave was intelligence activities needed to facilitate humanitarian relief efforts, but which also might provide information useful for sanctions enforcement).

- Second, he argued that we operated at our peril by staking out a position under which the same activity was legal or illegal depending on the purpose. Somewhere in the government, he argued, there would be found some memorandum, cable or other indication that reflected that at least someone's real purpose was Bosnia sanctions enforcement. He argued that we could find ourselves in the same position as did the Reagan Administration in defending against allegations that it had violated the Boland Amendment.
- I replied that: (a) as I recalled, the Boland Amendment prohibited activities that were for the purpose "or had the effect" of supporting the contras; and (b) in this case I really thought it was not the administration's purpose to enforce Bosnia sanctions.

4. Mira Baratta (Senator Dole's staff) questioned the language in the President's signing statement about subsection (f)(3)(A) (allowing President to waive Nunn-Mitchell restriction for NATO headquarters personnel). She questioned whether we had violated Nunn-Mitchell by waiving the restriction for personnel in Joint Task Force Provide Promise. I replied: (a) we had in fact not yet exercised the waiver for anyone; and (b) in any case, the language in the signing statement applied only to headquarters personnel for Joint Task Force Provide Promise, not all personnel.

Gerry Christianson (SFRC staff director) suggested that we should talk with them before exercising the waiver. We agreed. We also said we would work with JCS and get back to Baratta on Tuesday (she is out of the office Monday) with a more detailed explanation of who would be considered "headquarters personnel".

5. HFAC also raised questions about when we would be consulting if (as was likely) the UNSC did not adopt our lift resolution. When we initially answered that we would do so over the next several months, several said that Nunn-Mitchell required us to consult by November 15 (which I think is not technically

correct, but that's not the point here). We said yes, we would consult in November.

This exchange points up that we need to think about how we will proceed in November. The statute says that the President must submit a plan and consult with Congress (a) on training, and (2) regarding unilateral termination. Two questions: do we plan to furnish a written plan; and do we need/want to delegate this authority.

To: L - Conrad Harper, Mike Matheson
JCS - Jim Terry, Mike Lohr
DOD - Jack McNeill
NSC - Alan Kreczko

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. draft	Discussions Between the United Nations and NATO. (3 pages)	10/27/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 850

FOLDER TITLE:

Bosnia and Bihac, November 1994 [3]

2013-0687-F
vz2605

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