

FOIA MARKER

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Folder Title:

Bosnia - October 1994 [Folder 1] [1]

Staff Office-Individual:

European Affairs-Vershbow, Alexander

Original OA/ID Number:

851

Row:

34

Section:

1

Shelf:

10

Position:

2

Stack:

V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. paper	Serbia. (1 page)	10/18/1994	P1/b(1)
002. paper	Status of Sanctions. (5 pages)	10/14/1994	P1/b(1)
003. report	Bosnia: Arming the Government Forces. (5 pages)	10/12/1994	P1/b(1)
004. letter	Janet Reno to Anthony Lake. (2 pages)	10/17/1994	P1/b(1)
005. memo	For the Principal Committee Members from Leon Fuerth. Subject: Sanctions Issues for October 18 Bosnia PC. (1 page)	10/17/1994	P1/b(1)
006. cable	re: Ambassador's Meeting with Deputy Foreign Ministers. (2 pages)	10/15/1994	P1/b(1)
007a. fax cover sheet	Phone Number. [partial] (1 page)	10/14/1994	b(7)(C)
007b. draft	cable re: Operational Assessment of the Effects of Nunn-Mitchell. (4 pages)	10/13/1994	P1/b(1)
008. cable	re: Bosnian Serb Choke Hold on Sarajevo. (2 pages)	10/14/1994	P1/b(1)
009. cable	re: UNSC Yugoslavia Sanctions Committee. (4 pages)	10/13/1994	P1/b(1)
010. paper	Issues Paper: Issues Associated with Lifting the Arms Embargo. (4 pages)	10/12/1994	P1/b(1)
011. paper	Bosnia: Next Steps. (2 pages)	10/07/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - October 1994 [Folder 1] [1]

2013-0687-F
vz2649

RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) of the PRA]
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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.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012. agenda	Principals Committee Meeting on Bosnia, October 18, 1994. Record ID: 9421178. (1 page)	10/11/1994	P1/b(1)
013. cable	re: Keeping Allies up to Date. (1 page)	10/13/1994	P1/b(1)
014. cable	re: HMG Thinking on Bosnia Arms Embargo. (1 page)	10/07/1994	P1/b(1)
015. agenda	UK/US Talks: 11 October. (1 page)	n.d.	P1/b(1)
016a. memo	For Kenneth Brill, Colonel Robert McAleer, Edward Knight, Richard Suggs from William Itoh. Subject: Coordination of U.S. Participation on the Serbian Border. Record ID: 9421143. (1 page)	10/05/1994	P1/b(1)
016b. memo	For Kenneth Brill, Colonel Robert McAleer, Edward Knight, Richard Suggs from William Itoh. Subject: Coordination of U.S. Participation on the Serbian Border. Record ID: 9421133. (2 pages)	10/01/1994	P1/b(1)
016c. memo	For Anthony Lake from Don Kerrick. Subject: Implementing the Decision to Deploy U.S. Personnel. Record ID: 9421143. (1 page)	10/04/1994	P1/b(1)

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Selected Border Crossing Points



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002. paper	Status of Sanctions. (5 pages)	10/14/1994	P1/b(1)

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006. cable	re: Ambassador's Meeting with Deputy Foreign Ministers. (2 pages)	10/15/1994	P1/b(1)

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CLASSIFIED FAX COVERSHEET

*** URGENT ***

CALL TO

(b)(7)(c)

upon receipt

SECURE

FAX

ONLY

OFFICE OF THE CHAIRMAN
OF THE
JOINT CHIEFS OF STAFFLEGAL COUNSEL
OCJCS/LC PENTAGON ROOM 2E841
WASHINGTON, D.C. 20318-0001

SECURE FAX NUMBER:

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(DSN) 224-2313

VOICE VERIFICATION:

(DSN) 227-1137

FROM: COLONEL TERRY OCJCS/LC DATE/TIME: 1404/1640DOCUMENT CLASSIFICATION: CONFIDENTIALSUBJECT: NUNN-MITCHELLTO: ALAN KRECZKO

NAME

NSC
ORGANIZATIONOEOB

LOCATION/BASE

DESTINATION SECURE FAX NUMBER:

(b)(7)(c)

[007a]

DESTINATION VOICE NUMBER:

NUMBER OF PAGES: COVER + 4CONTACT UPON RECEIPT: Jo, at

(b)(7)(c)

CALL TO VERIFY RECEIPT: YES NO X

REMARKS:

CLASSIFIED FAX COVERSHEET

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials KZ Date: 5/27/2014
2013-0687-p

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ISSUES PAPER

Subject: American public opinion of U.S. policy toward Bosnia and the possible use of military force in the region.

With several serious military commitments (Haiti, Iraq), it appears that the USG will find little public support should the U.S. act unilaterally in lifting the arms embargo in Bosnia.

While Americans agree that the events taking place in Bosnia are important, public opinion polls show that the U.S. should not act alone or commit any forces to the region.

Thus, Congressional concerns do not reflect constituent pressure, a factor our approach can take into account.

- If European allies do not agree to participate, should the U.S. act alone in sending ground forces to try to stop the fighting in Bosnia, or not? (ABC News)

Yes, act alone	13%
No, do not act alone	85%
Don't know/No opinion	2%

- Would you support or oppose the U.S., along with its allies in Europe, sending ground forces to try to stop the fighting in Bosnia? (ABC News)

Support	47%
Oppose	50%
Don't know/No opinion	3%

- In order to remain neutral in the fighting in Bosnia, the USG currently does not sell guns and other weapons to either side fighting in Bosnia, even though the Serbs have more weapons. In your view, should the U.S. sell arms to the Bosnian Muslims in order to strengthen their forces, or should the U.S. continue to remain neutral? (Time/CNN/Yankp)

Should sell arms to Muslims	20%
Remain neutral	76%
Not Sure	4%

- Do you think the U.S. need to be involved in Bosnia in order to protect its own interests, (Gallup Poll)

Yes	32%
No	59%
No Opinion	9%

October 14, 1994

MEMORANDUM

Subject: Nunn-Mitchell Amendment on Lifting Bosnia Arms Embargo

This memorandum contains agreed inter-agency guidance on the interpretation of the Nunn-Mitchell Amendment (§1404) of the FY-95 DOD Authorization Act. As described in greater detail below, its provisions fall into three categories: (1) a series of hortatory provisions, which have no legally binding effect; (2) requirements to report to and consult with Congress; and (3) most important, a prohibition on funding that would preclude us from participating in activities in the Adriatic to enforce the Bosnia embargo against other countries.

1. Hortatory provisions. Subsections (a), (b), (c), (d), (e) and (g) of the Nunn-Mitchell Amendment are hortatory.* While these provisions may be important politically, they create no legal obligation for the Executive branch to act or to refrain from acting.

2. Reporting and Consultation Requirements. Subsection (f)(1) of the Nunn-Mitchell Amendment requires the President to submit two plans to (and consult with) Congress if -- by the earlier of November 15 or 15 days from the time that we introduce a lift resolution -- the UNSC has not agreed to such a resolution and the Bosnian Serbs have not accepted the Contact Group proposal.

Subsection (f)(1)(C) would require the President to submit a plan "regarding the unilateral termination by the United

*/ This category includes the provisions that state that the President should formally introduce and support resolutions in the United Nations Security Council:

- to terminate the Bosnia arms embargo, unless the Bosnian Serbs accept the Contact Group proposal by October 15 or 10 days after the Act is signed, whichever is later (subsection (e)); and
- to authorize selective lifting of the arms embargo to allow provision of defensive weapons to Bosnia if Bosnian Serb factions attack safe areas (subsection (g)).

- 2 -

States of compliance with the Bosnia arms embargo". The content of the plan is left virtually entirely to the President's discretion. For instance, depending upon what the President considers appropriate at the time, he could advocate unilateral termination in only very limited circumstances or upon the occurrence of developments very unlikely to occur, or he could refrain from advocating unilateral termination at all -- so long as he submits an underlying plan "regarding" unilateral termination. In addition, whatever plan is submitted, there is no requirement that the President proceed to implement the plan if he subsequently considers it unwise to do so.

Subsection (f)(1)(B) would require the President to submit a plan "on the manner in which United States Armed Forces and the military forces of friendly states would provide training" to the Bosnians outside of Bosnia. Again, the content of the plan is left virtually entirely to the President's discretion, and the provision does not require that the President proceed to implement the plan, or otherwise to provide training.

3. Termination of funds for enforcing the embargo. The same circumstances that would trigger the reporting and consultation requirements described above would also trigger the funding prohibition contained in subsection (f)(2).

Under subsection (f)(2), appropriated funds would be unavailable--

"for the purpose of participation in, support for, or assistance to the enforcement of the Bosnia arms embargo by any Department, agency or other entity of the United States (or by any officer or employee of the United States or member of the Armed Forces of the United States) other than as required of all United Nations member states under [UNSC Resolution 713] and the Charter of the United Nations."

The statement of managers that accompanied the conference report for the bill indicates the intent of the conferees to distinguish between what is mandatory under UNSC Resolution 713 and what is voluntary. The conferees state, for example, that the United States may enforce the embargo by using its Customs agents and other law enforcement powers to stop the export of defense articles and services from the United States. On the other hand, the conferees state, it is voluntary for any state to join the naval and air "picket line" that enforces the embargo in the Adriatic and the air over the Balkans, or to provide assistance or support to other states to help them do so.

Subsection (f)(3) indicates two important exceptions to the funding restriction contained in subsection (f)(2):

- 3 -

- Subparagraph (A) states that the President may waive the funding prohibition "in the case of United States military personnel serving in NATO headquarters." We interpret the President's waiver authority under this subparagraph, consistent with statement of managers language that accompanied the conference report, as applying to United States military personnel serving in headquarters positions for NATO's Supreme Allied Commander and the Commander-in-Chief, Allied Forces Southern Europe, as well as to subordinate headquarters staffs, such as those for the Commander, Joint Task Force Provide Promise and his subordinate headquarters staffs.
- Subparagraph (B) states that nothing in the prohibition "is intended to impede enforcement of sanctions against Serbia". We interpret this subparagraph to mean that, if an activity is of a nature that failure to undertake it would impede enforcement of sanctions against Serbia, the Nunn-Mitchell Amendment does not prohibit the President from undertaking it.

By its terms, subsection (f)(2) would apply to the use of funds only if used "for the purpose" described therein. Accordingly, we interpret subsection (f)(2) not to prohibit activities undertaken for other purposes, even if such activities provide indirect, incidental or collateral support or assistance for the Bosnia embargo.

Finally, there is an important constitutional issue connected with the language applying the restriction to all United States departments, agencies, and entities, and to all United States officers and employees. Insofar as such language could be construed to require the President or other Executive branch officers or employees to espouse or refrain from espousing certain substantive positions, either within the United States or in the course of dealing with foreign officials, it would impermissibly infringe on the authorities and responsibilities of the President and the Executive branch under the Constitution. Accordingly, the President will interpret subsection (f)(2) as not restricting his ability, or the ability of other Executive branch officers or employees, from freely espousing (or refraining from espousing) any substantive views on these matters, and as not restricting any activity that is diplomatic in nature. A signing statement reiterating these concerns has been prepared for the President's use at enactment of the FY-95 DOD Authorization Act.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. cable	re: UNSC Yugoslavia Sanctions Committee. (4 pages)	10/13/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - October 1994 [Folder 1] [1]

2013-0687-F

vz2649

RESTRICTION CODES

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

- 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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10/12/94

10:44

SENATOR DOLE SH-141 - 202 647 2762

NO. 206

002

BOB DOLE
KANSAS

United States Senate

OFFICE OF THE REPUBLICAN LEADER

WASHINGTON, DC 20510-7020

October 8, 1994

The President
The White House
Washington, D.C.

Dear Mr. President:

We are writing to express our serious concern over recent reports that your administration may have decided to delay introducing and supporting a U.N. Security Council resolution to terminate the illegal and unjust embargo on Bosnia and Herzegovina. Not only would such a decision put in question the commitment you personally made to the Congress in August, it would also place the United States squarely on the side of those countries that have appeased the Serb aggressors. Therefore, we urge you to act on your commitment and lead the international community to support Bosnia and Herzegovina's fundamental and sovereign right to self-defense.

Last week the Bosnian Government, in a good-faith effort, proposed a compromise that would seek a vote in the U.N. Security Council in October on a resolution that would immediately terminate the arms embargo in legal terms, but would delay implementation to a date certain six months from the time of the resolution's adoption. Some of our allies seem to be deliberately misinterpreting this compromise, describing it as a request to deter any action on the embargo for six months. It is clear that any resolution which is not passed promptly and which does not contain a date certain for the automatic lifting of the arms embargo would not meet the Bosnian Government's criteria.

During Senate consideration of the FY 1995 defense appropriations bill, you wrote to Senator Sam Nunn reaffirming your administration's support for lifting the international arms embargo on Bosnia and Herzegovina that has "penalized the victim in this conflict." Moreover, you stated that if by October 15 the Bosnian Serbs have not agreed to the Contact Group proposal of July, it would be your intention to support a resolution in the U.N. Security Council to terminate the arms embargo. It was this personal commitment that also provided the basis for a compromise in the House-Senate conference on the FY 1995 defense authorization bill and forestalled -- at the administration's request -- a termination of the U.S. arms embargo at a future date.

As supporters of Bosnia's right to self-defense, we believe that any U.S.-sponsored resolution that falls short of the

10/12/94

13:44

SENATOR DOLE SH-141 + 202 647 2762

NO. 206

003

Bosnian Government's compromise position -- immediate action to lift, but implementation delayed for six months -- would not meet your commitment to the Congress.

Mr. President, your administration has an historic opportunity to end the policies of appeasement that have characterized the international community's approach to the brutal war of aggression against Bosnia and Herzegovina. Both the House and the Senate have voted to terminate the arms embargo on Bosnia and Herzegovina unilaterally if a multilateral termination is not forthcoming. We expect the administration to argue energetically for U.N. Security Council adoption of a new resolution lifting the arms embargo on Bosnia. Should such a resolution fail or should a non-binding resolution be adopted, we will pursue further efforts to terminate the U.S. embargo upon our return next session.

We hope to hear from you soon on this critical issue.

Sincerely,

J. Biden

Bob Dole

Walt Falt

Phil Gramm

Al Simpson

Don Nickles

Strom Thurmond Richard Lugar

Farm Dinkins

Bob Smith

Connie Mack

Jeff M. Sessions

10/12/94

10:45

SENATOR DOLE SH-141 + 202 647 2762

NO. 206

004

John ConnerMalcolm WallopJim BradleyAl SwiftHerb KohlDennis DeConciniAlfonse D'AmatoJoe BidenSam ChaceFrank LautenbergJames M. JeffordsDirk KempthorneCarl LevinPete VucelarMike JostenBarry HatchJim FlahertyJim M. InhofeTom FeingoldBob PackwoodChris HatchSperry PreslerAl KroynerJesse HelmsEd GoodallCarl MontoyeRichard ShelbyStevens

~~Steve F. Bennett~~

Eric Kell

Frank W. Tynell

Chuck Robb

Paul Simon

Chuck Grassley

Frank Brown

Pat Bond

Frank R. Lautenberg

JOE Biden

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. paper	Issues Paper: Issues Associated with Lifting the Arms Embargo. (4 pages)	10/12/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - October 1994 [Folder 1] [1]

2013-0687-F
vz2649

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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.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. paper	Bosnia: Next Steps. (2 pages)	10/07/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - October 1994 [Folder 1] [1]

2013-0687-F

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21178

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506
October 13, 1994

MEMORANDUM FOR

MR. LEON FUERTH
Assistant to the Vice
President for National
Security Affairs

MR. LEON PANETTA
Chief of Staff to the
President of the
United States

MR. KENNETH C. BRILL
Executive Secretary
Department of State

MR. DOUGLAS F. GARTHOFF
Executive Secretary
Central Intelligence Agency

COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

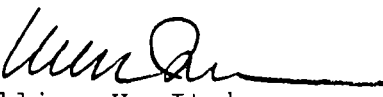
COL. T.R. PATRICK
Secretary
Joint Chiefs of Staff

AMBASSADOR RICK INDEFURTH
Office of the Representative
of the U.S. to the UN

SUBJECT: Principals Committee Meeting on Bosnia (S)

There will be a Principals Committee Meeting on Bosnia on
Tuesday, October 18, 2:30-4:30 p.m. in the White House Situation
Room. Attendance will be Principals only. The agenda is
attached at Tab A. Papers will be circulated by the lead agency.

(S)


William H. Itoh
Executive Secretary

Attachment
Tab A Agenda

DECLASSIFIED E.O. 13526
White House Guidelines,
September 11, 2006

By WZ NARA, Date 5/27/2014

2013-0687-F

~~SECRET~~

Declassify on: OADR

~~SECRET~~

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
012. agenda	Principals Committee Meeting on Bosnia, October 18, 1994. Record ID: 9421178. (1 page)	10/11/1994	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

FOLDER TITLE:

Bosnia - October 1994 [Folder 1] [1]

2013-0687-F

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21178

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 11, 1994

ACTION

MEMORANDUM FOR ANTHONY LAKE

FROM: DON KERRICK 

SUBJECT: Principals Meeting on Bosnia, October 14, 1994

Attached at Tab A is the agenda for the Principals Meeting on Bosnia to be held on October 18, 1994. The memorandum to the agencies is attached at Tab I.

RECOMMENDATION

That you authorize Will Itoh to sign the memorandum to the agencies at Tab I.

Approve  Disapprove _____

Attachments

Tab I Memorandum to the Agencies

Tab A Agenda

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By VZ NARA, Date 5/27/04
2017-0687 -f

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Declassify on: OADR

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. cable	re: Keeping Allies up to Date. (1 page)	10/13/1994	P1/b(1)

COLLECTION:

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National Security Council
European Affairs (Alexander Vershbow)
OA/Box Number: 851

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KEY BOSNIA DATES

October 13.....USEUCOM Operational Description due
October 18.....Principals Only PC
October 15.....Two-week Nunn-Mitchell Clock starts.
October 17-19.....Contact Group Meets in New York
October 29.....U.S. Action required at UN
November 5.....30 day border closure report due.
November 13.....U.S. prohibited from enforcing Arms Emb.
December 1.....Congressional Consultations required
.....Congressional mandated date to lift.
December 5.....30 day border closure report due
January 5.....30 day border closure report due.
January 15.....UNSC decision on ext. of sanctions susp.
March 31, 1995.....UNPROFOR Mandate expires

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the President John F. Kennedy
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Initials: vr Date: 6/17/2014

2013-0687-t

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INTERNATIONAL
SECURITY AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2400



MEMORANDUM FOR UNDERSECRETARY FOR POLICY

THROUGH: ASSISTANT SECRETARY OF DEFENSE FOR
INTERNATIONAL SECURITY AFFAIRS

DEPUTY ASSISTANT SECRETARY OF DEFENSE
FOR EUROPEAN AND NATO POLICY

FROM: DIRECTOR, BOSNIA TASK FORCE

James Pardew, x56538

OCT 1994

SUBJECT: Discussions on Bosnia with Senate Staff--
INFORMATION MEMORANDUM

Senate Armed Services Committee staffers John Douglas and Richard DeBoges amplified their thinking in a meeting today on the "build-down" proposal contained in the recent letter to the Secretary from Senator Nunn. Their message to me was more of frustration and concern for how we spend the six months before the arms embargo is lifted on Bosnia than the specifics of build-down as a strategy.

They described the build-down proposal a "another arrow in the negotiating quiver," and as a more creative and less offensive alternative to our allies and the UN than lifting the arms embargo. They have discussed this option with US officers experienced in NATO and JTF Naples and with contacts from allied nations. In their minds, build-down is a negotiating alternative to lift. If the allies, Serbs and UNPROFOR cannot tolerate lift, then they should support an alternative. They believe the French and many other allies favor pursuing such a strategy, and they expect the administration to pursue it along with other initiatives. In the view of these staffers, if build-down doesn't work, as a minimum the administration will be in a stronger moral and public position in the end for having tried it.

More important than build-down theory was their perceptions of growing frustration and impatience with policy on Bosnia in the Senate. They view our policy as reactive, and behind--rather than ahead--of our allies. On the short run, the expectations are for the US to submit and strongly support a straightforward

multilateral lift proposal to the UN on November 1 which lifts the embargo on the B-H Government automatically in six months. Pending required UN action, on December 1, the funding restrictions on US involvement in B-H aspects of the embargo will go into effect, and we will be asked to report to the Hill on the implementation procedures. Douglas and DeBobes made clear, however, that what concerns them most is what we do in the six months between the resolution and the lift. They propose aggressive action: new creativity and comprehensive proposals to move forward (e.g. build-down versus lift, flexibility on Contact Group map), begin training the Muslims to accept the arms, ect. Without aggressive action, they see a political train wreck in six month in which the Congress directs specific unilateral action. Apparently, they have made these same points to the NSC and State.

The staff stressed that Senator Nunn believes in something like the Nixon Doctrine which arms and trains those in need before the US gets involved. I did not argue their points but listened and assured them that we wanted to work with them, that we would follow through on the points in the Secretary's letter and that I would carry their points back.

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014. cable	re: HMG Thinking on Bosnia Arms Embargo. (1 page)	10/07/1994	P1/b(1)

COLLECTION:

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DRAFT**DRAFT**

The Honorable Sam Nunn
Chairman, Committee on Armed Services, SROB Room 228
United States Senate
Washington, DC 20510-6050

DRAFT

Dear Sam:

I am pleased to respond to your letter of September 30, 1994, asking me to conduct a review of the military impact of a build down strategy. You present an intriguing concept. Bosnia build down is another way to level the battlefield -- by reducing the numbers of available weapons through a regulated process.

Indeed our current Bosnia policy might be seen as a "pre-build down" phase. Our commitment to robust enforcement of the exclusion zones and our efforts to seal the border between Serbia and Bosnia-Herzegovina represent the first steps in an arms reduction strategy. A possible next step might be to establish a 5-km demilitarized zone around Sarajevo, an idea that NATO and UNPROFOR commanders now have under consideration. I have asked my staff to develop a phased strategy that would move from these early steps to a more comprehensive build down of all heavy weapons, including tanks, artillery, and heavy mortars. Obviously we will need to address a number of difficult questions about verification, enforcement, assurances against circumvention, and economic incentives that might make the proposal more attractive.

You asked for our assessment of the outcome of compliance with the current law. If by October 15 the Bosnians Serbs have not accepted the Contact Group's proposal, the President intends within two weeks to introduce and support a UN Security Council Resolution to terminate the arms embargo on Bosnia-Herzegovina. We are considering various formulations of the lift resolution that would delay implementation for six months, as President Izetbegovic proposed at the United Nations last week.

The President has also agreed that, if no UN resolution on multilateral lift is passed within a reasonable period of time, he will consult with the Congress on next steps, to include the possibility of unilaterally lifting the embargo. In our view, this should be an absolute final step to be considered after all other remedies are exhausted.

I appreciate your willingness to work with us in finding a solution to the complex and seemingly intractable problem of bringing peace to Bosnia. You have my assurance that we will consult regularly and work with you at every opportunity.

Sincerely,

DRAFT**DRAFT**

SV - FYI
As of 1700/10/12

DEPARTMENT OF STATE

**10/UNP**

10/12

UNCLASSIFIED FAX

ROUTINE

IMMEDIATE

URGENT

TEL. 647-0046

FAX: 647-0039

COVER • ONE PAGES**FROM:**

John W. Chamberlin

TO:

NSC - Don Kerrick/Sandy Vershbow - 456-9150

NSC - Susan Rice - 456-9360

~~OSD - John Klekas - 703-695-6506~~~~JCS - Balkans Unit - 705-697-8180~~**SUBJECT:** BOSNIA: DRAFT PRES. STATEMENTP4+1 MEETING AT 5 PM - COMMENTS ASKED**COMMENTS:** NOTE: PROPOSED (BRACKETED IN CARS)ALTERNATIVE PARAS 2+3; A USON FEELS THESE ARE "UNACCEPTABLE TO P4+1, BUT NOT LAUGHABLE" AND WOULD KILL A STATEMENTBUT COULD BE USEFUL IF P4+1 SOMEHOW ACCEPTED

(TEXT REVISED PER P4+1 MEETING, 10/11)

The Security Council is seriously concerned by continued reports of provocative actions, TARGETING OF CIVILIANS, restrictions on UNPROFOR's freedom of movement, and attacks on UNPROFOR personnel AND PLANES in the Republic of B-H. These actions threaten to lead to a widespread resumption of hostilities. It condemns all such actions and demands that all parties cease such actions and cooperate fully with UNPROFOR.

In this context, the SC is deeply concerned by recent reports of UNPROFOR, in particular of 6 October 1994, on military actions by BIH forces around Sarajevo. It demands that the Govt of B-H take the necessary measures forthwith to put an end to such actions. The SC urges all parties fully to respect the demilitarized zone in Mt. Igman.

(PROPOSED ALTERNATIVE, IF NECESSARY: IN THIS CONTEXT, THE SC IS CONCERNED BY RECENT REPORTS FROM UNPROFOR CONCERNING VIOLATIONS OF THE AGREEMENT TO MAINTAIN A DEMILITARIZED ZONE ON MT. IGMAN, IN PARTICULAR, REPORTS OF THE VIOLATION OF THE DMZ BY BIH FORCES IN CONNECTION WITH AN OCTOBER 6 MILITARY ACTION. THE COUNCIL CALLS UPON THE BOSNIAN GOVERNMENT, AND ON ALL PARTIES, TO ADHERE TO THE AGREEMENT CONCERNING THE DEMILITARIZED ZONE.)

The Council IS ALSO DEEPLY CONCERNED by deliberate attacks against civilians in Sarajevo, IN VIOLATION OF THE 14 AUGUST ANTI-SNIPING AGREEMENT, IN PARTICULAR by Bosnian Serb forces ON 8 OCTOBER AGAINST A TRAM which resulted in civilian CASUALTIES. The Council demands that ALL PARTIES immediately cease targetting civilians and cooperate with the restoration of normal life in Sarajevo.

(PROPOSED ALTERNATIVE, IF NECESSARY: THE COUNCIL CONDEMNS THE DELIBERATE ATTACK ON INNOCENT CIVILIANS IN SARAJEVO BY BOSNIAN SERB ELEMENTS ON 8 OCTOBER, WHICH RESULTED IN NUMEROUS CASUALTIES. IT DEMANDS AN END TO ALL SUCH ATTACKS AND CALLS UPON THE BOSNIAN SERBS, AND ON ALL PARTIES, TO ADHERE TO THEIR AUGUST 14 ANTI-SNIPING AGREEMENT.)

The SC in addition strongly urges all parties to refrain from any act of provocation or retaliation and in particular to continue to implement, in cooperation with UNPROFOR, the agreement they have entered into concerning the reopening of Sarajevo airport and the exchange of prisoners.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
015. agenda	UK/US Talks: 11 October. (1 page)	n.d.	P1/b(1)

COLLECTION:

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FOLDER TITLE:

Bosnia --October 1994 [Folder 1] [1]

2013-0687-F
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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]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
016a. memo	For Kenneth Brill, Colonel Robert McAleer, Edward Knight, Richard Suggs from William Itoh. Subject: Coordination of U.S. Participation on the Serbian Border. Record ID: 9421143. (1 page)	10/05/1994	P1/b(1)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
016b. memo	For Kenneth Brill, Colonel Robert McAleer, Edward Knight, Richard Suggs from William Itoh. Subject: Coordination of U.S. Participation on the Serbian Border. Record ID: 9421133. (2 pages)	10/01/1994	P1/b(1)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
016c. memo	For Anthony Lake from Don Kerrick. Subject: Implementing the Decision to Deploy U.S. Personnel. Record ID: 9421143. (1 page)	10/04/1994	P1/b(1)

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Vershbow, Alexander R.

From: Kerrick, Donald L.
To: Kreczko, Alan J.
Cc: /R, Record at A1; Baker, James E.; Danvers, William C.; Vershbow, Alexander R.
Subject: RE: Nunn Language Legal Assessment [UNCLASSIFIED]
Date: Wednesday, October 05, 1994 1:46PM

Alan;

Thanks again. Understand... Let me see what I can do to energize the Pentagon into providing an operational summary.... Also, last part of your note was garbled, but I got the gist, paper is being recirculated.. Will be back in touch....

From: Kreczko, Alan J.
To: Kerrick, Donald L.
CC: /R, Record at A1; Baker, James E.
Subject: RE: Nunn Language Legal Assessment [UNCLASSIFIED]
Date: Wednesday, October 05, 1994 12:41 PM

Thanks.

Re the inter-agency legal paper, apparently State/L tried to stick some examples into the discussion. I had not seen that draft. JCS and DOD/GC reacted negatively, on theory that examples would end up constraining us. I agree, as does State/L, which has removed the examples, which returns the paper to the version you saw yesterday and which version had been cleared around. In any event, to remove any doubt, it is being recirculated once again.

On how to proceed, I spoke with JCS lawyers, and agree with their assessment of what is needed.

First, operators need to provide a detailed description of how they are operating.

Then, inter-agency legal review can pronounce on what of that can continue. JCS lawyers want this done inter-agency to provide support for any close calls. I agree. We can run that out of here, once we have operational description.

Then, policy-makers can decide whether there are things which legally can be done which nonetheless we should not do, either because we prefer less vigorous enforcement of the embargo or because we don't want to get in a legal debate with Hill about close calls.

This is basically how we proceeded when we had to decide how to implement a legal prohibition on sharing of intelligence with countries where intell is used to shoot-down civil aircraft. There were a lot of "dual-use" intell. programs going on. Operators were tasked and did produce a list of all forms of assistance; these were then vetted by lawyers.

dp cwe enerthat there are things whicham ,what [rosayaratt d and is recirculating the paper. The version I sent you yestered

From: Kerrick, Donald L.
To: @LEGAL - Legal Advisor; @LEGISLAT-Legislative Affairs
CC: /R, Record at A1; Rice, Susan E.; Vershbow, Alexander R.
Subject: Nunn Language Legal Assessment [UNCLASSIFIED]

Date: Wednesday, October 05, 1994 11:09 AM

Alan;

Thanks for the copy of the memo on legal look at Nunn-Mitchell.... It was discussed at today's Bosnia Teleconference.... FYI. The Joint Staff says it is not cleared by JCS, that it should be considered a draft as there is some disagreement within the Pentagon...

That said, we need to complete an interagency cleared legal assessment as soon as possible..... The JCS says they cannot complete an operational impact assessment until the legal assessment is complete...

I believe we need a product that everyone can understand. I am pressing the Pentagon to produce a plain English assessment that we can all understand.

Please let me know what you think the best way to proceed is... Thanks.