

FOIA MARKER

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Folder Title:

Bosnia - October 1994 [Folder 2] [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
001a. memo	For Anthony Lake from Don Kerrick. Subject: Principals Discussion of Bosnia. Record ID: 9421169. (7 pages)	10/06/1994	P1/b(1)
001b. agenda	Principals Committee Meeting on Bosnia, October 5, 1994. Record ID: 9421144. (1 page)	10/06/1994	P1/b(1)
001c. paper	Next Steps on Bosnia. (4 pages)	10/03/1994	P1/b(1)
001d. memo	For Anthony Lake from Alexander Vershbow. Subject: Six-Month Strategy on Bosnia. Record ID: 9407960. (3 pages)	09/29/1994	P1/b(1)
002a. memo	For Anthony Lake from Don Kerrick. Subject: Principals Committee Meeting on Bosnia, October 18, 1994. Record ID: 9421199. (4 pages)	10/17/1994	P1/b(1)
002b. agenda	Principals Committee Meeting on Bosnia, October 18, 1994. Record ID: 9421199. (1 page)	10/17/1994	P1/b(1)
002c. paper	UNSC Resolution to Lift the Arms Embargo. (1 page)	10/17/1994	P1/b(1)
002d. cable	re: Draft Operation Assessment of the Nunn-Mitchell Amendment. (4 pages)	10/13/1994	P1/b(1)
002e. memo	For Principals Committee from Leon Fuerth. Subject: Sanctions Issues for October 18 PC. (1 page)	10/17/1994	P1/b(1)
002f. paper	Issues Paper: Issues Associated with Lifting the Arms Embargo. (4 pages)	10/12/1994	P1/b(1)
002g. paper	Bosnia Strategy. (4 pages)	10/17/1994	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

Bosnia - October 1994 [Folder 2] [1]

2013-0687-F

vz2656

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]
P2 Relating to the appointment to Federal office [(a)(2) 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
002h. paper	Supporting the Bosnian Federation. (1 page)	10/17/1994	P1/b(1)
002i. paper	Strict Enforcement Update. (3 pages)	10/17/1994	P1/b(1)
003a. paper	Establishing Diplomatic Relations with FYROM. (2 pages)	02/22/1994	P1/b(1)
003b. letter	To President Clinton from Republic of Macedonia President Kiro Gligorov. (1 page)	02/08/1994	P1/b(1)
003c. cable	re: Letter Announcing the Establishment of Diplomatic Relations with FYROM. (3 pages)	02/15/1994	P1/b(1)
003d. memo	For the Secretary of State from Alexander Vershbow. Subject: Breaking the Deadlock between Greece and the FYROM. (3 pages)	02/22/1994	P1/b(1)

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TO: LAKE

FROM: KERRICK
STEPHENS

DOC DATE: 16 AUG 94
SOURCE REF:

KEYWORDS: BOSNIA-HERCEGOVINA
PC

MEDITERRANEAN

*Φ BOSNIA
CCT*

PERSONS:

SUBJECT: BRIEFING MEMO FOR 17 AUG PC MTG ON BOSNIA & EASTERN MEDITERRANEAN

ACTION: NOTED BY LAKE

DUE DATE: 19 AUG 94 STATUS: C

STAFF OFFICER: KERRICK

LOGREF: 9420963 9420967

FILES: IFG

NSCP:

CODES: BOS MED

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BERGER
DARBY
HALL
KERRICK
LAKE
NSC CHRON
SODERBERG
STEPHENS
VERSHBOW
WOLIN
WRIGHT

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

By VZ NARA, Date 5/27/2014
2013-0687-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJDA

CLOSED BY: NSJDA

DOC 1 OF 1

~~SECRET~~

RECORD ID: 9420973

ACTION DATA SUMMARY REPORT

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

001 LAKE
001

Z 94081621 FOR INFORMATION
X 94111011 NOTED BY LAKE

~~SECRET~~

National Security Council
The White House

Rec'd 10-6
9PM

PROOFED BY: _____ LOG # 21169
URGENT NOT PROOFED: _____ SYSTEM PRS (NSC) INT
BYPASSED WW DESK: _____ DOCLOG ORS A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Reed	_____	_____	_____
Sens	_____	_____	_____
Itoh	_____	_____	_____
Soderberg	_____	_____	_____
Berger	_____	_____	_____
<u>W</u> Lake	_____	_____	_____
Situation Room	_____	_____	_____
West Wing Desk	_____	_____	_____
NSC Secretariat	_____	_____	_____

Handwritten notes:
- Under "Lake": Natl Sec Advisor has seen
- Under "Situation Room": has seen
- Under "West Wing Desk": has seen
- Under "NSC Secretariat": has seen
- To the right of the table: PC - prepared on final by for the PC -

A = Action I = Information D = Dispatch R = Retain N = No Further Action

CC: _____

COMMENTS:

Handwritten: PC - Discussion Paper
for Mr. Lake

Exec Sec Office has diskette _____

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001a. memo	For Anthony Lake from Don Kerrick. Subject: Principals Discussion of Bosnia. Record ID: 9421169. (7 pages)	10/06/1994	P1/b(1)

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vz2656

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001b. agenda	Principals Committee Meeting on Bosnia, October 5, 1994. Record ID: 9421144. (1 page)	10/06/1994	P1/b(1)

COLLECTION:

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OA/Box Number: 851

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001c. paper	Next Steps on Bosnia. (4 pages)	10/03/1994	P1/b(1)

COLLECTION:

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

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TAB C

JAMES P. HENRY, MISSISSIPPI
 CARL LEVIN, MICHIGAN
 EDWARD M. BRENNAN, MASSACHUSETTS
 JEFF BENNETT, NEW MEXICO
 JOHN GLICK, OHIO
 ROBERT C. BYRD, WEST VIRGINIA
 CARL LEVIN, MICHIGAN
 CHARLES E. SCHUMER, NEW YORK
 JUDITH S. GILLERMAN, CONNECTICUT
 EDWARD J. BYRNE, NEVADA

STROM THURMOND, SOUTH CAROLINA
 JOHN W. WARREN, VIRGINIA
 WILLIAM V. COHEN, MAINE
 JIMMIE H. HAWKINS, ARIZONA
 THOMAS J. DODD, CONNECTICUT
 DAN COATS, INDIANA
 BOB CROFT, NEW HAMPSHIRE
 DONALD W. RUDEN, IDAHO
 JAMES H. HODGES, NORTH CAROLINA
 KAY BAILEY BISHOP, TEXAS

United States Senate

COMMITTEE ON ARMED SERVICES

WASHINGTON, DC 20510-6050

ARMED SERVICES STAFF DIRECTOR
 4000 PENNSYLVANIA AVENUE, WASHINGTON, DC 20540

The Honorable William J. Perry
 Secretary of Defense,
 The Pentagon
 Washington D.C. 20301

September 30, 1994

Dear Bill:

We are writing to ask you to conduct an expedited policy review of the military impact of a build down strategy as an alternative to the lifting of the United Nations Arms Embargo on the government of Bosnia Herzegovina.

As you know, there is strong support in the Congress for reducing the disparities in defense capability among the parties involved in the conflict in Bosnia. Some members of Congress have supported a unilateral lifting of the embargo, others have favored a multilateral lifting that would involve our NATO allies who have troops on the ground with the UNPROFOR forces.

All versions of the lift strategy have the downside that the introduction of more arms, especially heavy armament, could increase the level of violence in Bosnia and thus run counter to the widely shared objective of ending the military conflict. Our allies have been particularly concerned about this prospect, and have stated their intention to withdraw their troops from UNPROFOR if the arms embargo on the Bosnian government is lifted. They are convinced that such a move would lead to a significant increase in violence in Bosnia including Serbian attacks on allied troops.

The recent change of policy by the government of Bosnia Herzegovina regarding the timing of a lift of the arms embargo, and the recent closing of the Serbian-Bosnian border has provided the opportunity for a new US approach which could lead to the leveling of the field in Bosnia we have sought, while also leading to a reduction in violence. This new approach would be to eliminate the heavy equipment held by all sides in Bosnia in a step by step process. We feel this approach warrants a serious and comprehensive review at the highest levels within the Department of Defense.

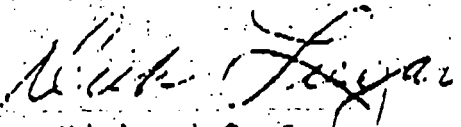
The build down concept is the flip side of the idea of lifting the arms embargo on the Bosnian government. The idea would be to level the ground by eliminating all or most of the heavy equipment on both sides by either destroying it or removing it from Bosnia. This could apply to all tanks, artillery, and

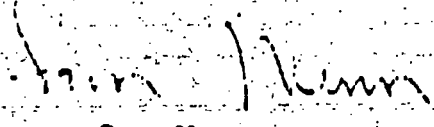
This strategy, like the strategy of lifting the arms embargo raises serious questions which merit your review. How would our NATO allies react to such a proposal? How would the factions in Bosnia likely react? Would such an approach be enforceable? Could we find economic incentives to make the proposal attractive to the factions?

If feasible, we believe a proposal along these lines could garner broad support in the Congress and could set the stage for renewed efforts to develop a negotiated settlement of the Bosnian crisis. We know that the lifting of the arms embargo has met with significant implementation obstacles. A build-down policy may have similar disadvantages. We therefore urge you to conduct an immediate policy review of such a strategy to assess its merit.

As you consider this alternative approach to the current legal requirement for the President to request a multilateral lifting of the arms embargo, we would also appreciate your assessment of the outcome of compliance with current law, in view of the recent changes of policy by the governments of Serbia and Bosnia-Herzegovina.

Sincerely,


Richard C. Lugar
U.S. Senator


Sam Nunn
U.S. Senator

Withdrawal/Redaction Marker

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001d. memo	For Anthony Lake from Alexander Vershbow. Subject: Six-Month Strategy on Bosnia. Record ID: 9407960. (3 pages)	09/29/1994	P1/b(1)

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002a. memo	For Anthony Lake from Don Kerrick. Subject: Principals Committee Meeting on Bosnia, October 18, 1994. Record ID: 9421199. (4 pages)	10/17/1994	P1/b(1)
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002b. agenda	Principals Committee Meeting on Bosnia, October 18, 1994. Record ID: 9421199. (1 page)	10/17/1994	P1/b(1)

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KEY BOSNIA DATES

October 13.....Received USEUCOM Operational Description
(Undergoing legal review)

October 15.....Two-week Nunn-Mitchell Clock starts.

October 17-19.....Contact Group Meets in New York

October 18.....Principals Only PC

NLT October 29.....U.S. Action "called for" at UN

November 5.....30 day border closure report due.

November 13.....U.S. prohibited from enforcing arms
embargo in Adriatic.

.....Submit plan and consult Congress
concerning training for Bosnian forces

.....Submit plan and consult Congress
concerning unilateral lift

November 29.....House in session one day (GATT)

November 30 - Dec. 1....Senate in Session (GATT)

December 1.....UNSC Resolution must lift sanctions by
this date to avoid Nunn-Mitchell
requirements.

December 5.....30-day border closure report due

January 3.....House/Senate in session one day

January 5.....30-day border closure report due.

January 15.....UNSC decision on extension of sanctions
suspension.

January (Late TBD).....Congress in session.

March 31.....UNPROFOR Mandate expires.

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.

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002d. cable	re: Draft Operation Assessment of the Nunn-Mitchell Amendment. (4 pages)	10/13/1994	P1/b(1)
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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

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. L. ...

Bob Dole

Art Felt

Phil ...

Al Simpson

Don Nickles

Strom Thurmond Richard Lugar

Sam Donahoe

Bob Smith

Chris Nash

Phil McConnell

John Timmer

Malcolm Wallop

Jim Rudy

Alfred Suter

Herb Kohl

Dennis De Concini

Alfonse D'Amato

Joe Biden

John Chayer

Frank Lautner

James M. Jeffords

Dirk Kempthorn

Paul Lein

Don Riegle

Wale Tatum

Ray Bailey Hatcher

Long Ewing

John Miller

Paul Feingold

Bob Packwood

Chris Hatch

Harry Pressler

Richard Rothman

Jesse Helms

Bob Dole

Carl Albert

Richard Shelby

Tom Stevens

~~Bob F. Bennett~~

Eric Riel

Frank W. Tynell

Chuck Robb

Paul Gruen

Chuck Gravelly

Frank Green

Art Bond

Frank R. Lantieri

JOE John

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002e. memo	For Principals Committee from Leon Fuerth. Subject: Sanctions Issues for October 18 PC. (1 page)	10/17/1994	P1/b(1)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002f. paper	Issues Paper: Issues Associated with Lifting the Arms Embargo. (4 pages)	10/12/1994	P1/b(1)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002g. paper	Bosnia Strategy. (4 pages)	10/17/1994	P1/b(1)

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002h. paper	Supporting the Bosnian Federation. (1 page)	10/17/1994	P1/b(1)

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002i. paper	Strict Enforcement Update. (3 pages)	10/17/1994	P1/b(1)

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003a. paper	Establishing Diplomatic Relations with FYROM. (2 pages)	02/22/1994	P1/b(1)

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003b. letter	To President Clinton from Republic of Macedonia President Kiro Gligorov. (1 page)	02/08/1994	P1/b(1)
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003c. cable	re: Letter Announcing the Establishment of Diplomatic Relations with FYROM. (3 pages)	02/15/1994	P1/b(1)
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003d. memo	For the Secretary of State from Alexander Vershbow. Subject: Breaking the Deadlock between Greece and the FYROM. (3 pages)	02/22/1994	P1/b(1)

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

FOLDER TITLE:

Bosnia - October 1994 [Folder 2] [1]

2013-0687-F
vz2656

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]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- 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]