

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1044

Terminating the United States arms embargo of the Government of Bosnia and Herzegovina.

---

## IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, APRIL 19), 1993

Mr. DOLE (for himself, Mr. LUGAR, Mr. GORTON, Mr. D'AMATO, Mr. WALLOP, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

---

## A BILL

Terminating the United States arms embargo of the Government of Bosnia and Herzegovina.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bosnia and  
5 Herzegovina Self-Defense Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) On July 10, 1991, the United States adopt-  
9 ed a policy suspending all licenses and other approv-

1 als to export or otherwise transfer defense articles  
2 and defense services to Yugoslavia.

3 (2) On September 25, 1991, the United Na-  
4 tions Security Council adopted Resolution 713,  
5 which imposed a mandatory international embargo  
6 on all deliveries of weapons and military equipment  
7 to Yugoslavia.

8 (3) The United States considered the policy  
9 adopted July 10, 1991, to comply fully with Resolu-  
10 tion 713 and therefore took no additional action in  
11 response to that resolution.

12 (4) On January 8, 1992, the United Nations  
13 Security Council adopted Resolution 727, which de-  
14 cided that the mandatory arms embargo imposed by  
15 Resolution 713 should apply to any independent  
16 states that might thereafter emerge on the territory  
17 of Yugoslavia.

18 (5) On February 29 and March 1, 1992, the  
19 people of Bosnia and Herzegovina voted in a ref-  
20 erendum to declare independence from Yugoslavia.

21 (6) On April 7, 1992, the United States recog-  
22 nized the Government of Bosnia and Herzegovina.

23 (7) On May 22, 1992, the Government of  
24 Bosnia and Herzegovina was admitted to full mem-  
25 bership in the United Nations.

1           (8) Consistent with Resolution 727, the United  
2 States has continued to apply the policy adopted  
3 July 10, 1991, to independent states that have  
4 emerged on the territory of the former Yugoslavia,  
5 including Bosnia and Herzegovina.

6           (9) Subsequent to the adoption of Resolution  
7 727 and Bosnia and Herzegovina's independence  
8 referendum, the seige of Sarajevo began and fighting  
9 spread to other areas of Bosnia and Herzegovina.

10          (10) The Government of Serbia intervened di-  
11 rectly in the fighting by providing significant mili-  
12 tary, financial, and political support and direction to  
13 Serbian-allied irregular forces in Bosnia and  
14 Herzegovina.

15          (11) In statements dated May 1 and May 12,  
16 1992, the Conference on Security and Cooperation  
17 in Europe declared that the Government of Serbia  
18 and the Serbian-controlled Yugoslav National Army  
19 were committing aggression against the Government  
20 of Bosnia and Herzegovina and assigned to them  
21 prime responsibility for the escalation of bloodshed  
22 and destruction.

23          (12) On May 30, 1992, the United Nations Se-  
24 curity Council adopted Resolution 757, which con-  
25 demned the Government of Serbia for its continued

1 failure to respect the territorial integrity of Bosnia  
2 and Herzegovina.

3 (13) Serbian-allied irregular forces have, over  
4 the last year, occupied approximately 70 percent of  
5 the territory of Bosnia and Herzegovina, committed  
6 gross violations of human rights in the areas they  
7 have occupied, and established a secessionist govern-  
8 ment committed to eventual unification with Serbia.

9 (14) The military and other support and direc-  
10 tion provided to Serbian-allied irregular forces in  
11 Bosnia and Herzegovina constitutes an armed attack  
12 on the Government of Bosnia and Herzegovina by  
13 the Government of Serbia within the meaning of Ar-  
14 ticle 51 of the United Nations Charter.

15 (15) Under Article 51, the Government of  
16 Bosnia and Herzegovina, as a member of the United  
17 Nations, has an inherent right of individual or col-  
18 lective self-defense against the armed attack from  
19 the Government of Serbia until the United Nations  
20 Security Council has taken measures necessary to  
21 maintain international peace and security.

22 (16) The measures taken by the United Nations  
23 Security Council in response to the armed attack on  
24 Bosnia and Herzegovina have not been adequate to  
25 maintain international peace and security.

1           (17) Bosnia and Herzegovina has been unable  
2           successfully to resist the armed attack from Serbia  
3           because it lacks the means to counter heavy weap-  
4           onry that Serbia obtained from the Yugoslav Na-  
5           tional Army upon the dissolution of Yugoslavia, and  
6           because the mandatory international arms embargo  
7           has prevented Bosnia and Herzegovina from obtain-  
8           ing from other countries the means to counter such  
9           heavy weaponry.

10           (18) On December 18, 1992, with the affirma-  
11           tive vote of the United States, the United Nations  
12           General Assembly adopted Resolution 47/121, which  
13           urged the United Nations Security Council to ex-  
14           empt Bosnia and Herzegovina from the mandatory  
15           arms embargo imposed by Resolution 713.

16           (19) In the absence of adequate measures to  
17           maintain international peace and security, continued  
18           application to the Government of Bosnia and  
19           Herzegovina of the mandatory international arms  
20           embargo imposed by the United Nations Security  
21           Council prior to the armed attack on Bosnia and  
22           Herzegovina undermines that government's right of  
23           individual or collective self-defense and therefore  
24           contravenes Article 51 of the United Nations  
25           Charter.

1           (20) Bosnia and Herzegovina’s right of self-de-  
2           fense under Article 51 of the United Nations Char-  
3           ter includes the right to ask for military assistance  
4           from other countries and to receive such assistance  
5           if offered.

6   **SEC. 3. UNITED STATES ARMS EMBARGO OF THE GOVERN-**  
7                                   **MENT OF BOSNIA AND HERZEGOVINA.**

8           (a) TERMINATION.—The President shall terminate  
9           the United States arms embargo of the Government of  
10          Bosnia and Herzegovina upon receipt from that govern-  
11          ment of a request for assistance in exercising its right of  
12          self-defense under Article 51 of the United Nations Char-  
13          ter.

14          (b) DEFINITION.—As used in this section, the term  
15          “United States arms embargo of the Government of  
16          Bosnia and Herzegovina” means the application to the  
17          Government of Bosnia and Herzegovina of—

18                 (1) the policy adopted July 10, 1991, and pub-  
19                 lished in the Federal Register of July 19, 1991 (58  
20                 Fed. Reg. 33322) under the heading “Suspension of  
21                 Munitions Export Licenses to Yugoslavia”; and

22                 (2) any similar policy being applied by the  
23                 United States Government as of the date of receipt  
24                 of the request described in subsection (a) pursuant  
25                 to which approval is routinely denied for transfers of

1 defense articles and defense services to the former  
2 Yugoslavia.

3 **SEC. 4. UNITED STATES MILITARY ASSISTANCE FOR**  
4 **BOSNIA AND HERZEGOVINA.**

5 (a) POLICY.—The President should provide appro-  
6 priate military assistance to the Government of Bosnia  
7 and Herzegovina upon receipt from that government of  
8 a request for assistance in exercising its right of self-de-  
9 fense under Article 51 of the United Nations Charter.

10 (b) AUTHORIZATION OF MILITARY ASSISTANCE.—

11 (1) DRAWDOWN AUTHORITY.—If the Govern-  
12 ment of Bosnia and Herzegovina requests United  
13 States assistance in exercising its right of self-de-  
14 fense under Article 51 of the United Nations Char-  
15 ter, the President is authorized to direct the  
16 drawdown of defense articles from the stocks of the  
17 Department of Defense, defense services of the De-  
18 partment of Defense, and military education and  
19 training in order to provide assistance to the Gov-  
20 ernment of Bosnia and Herzegovina. Such assistance  
21 shall be provided on such terms and conditions as  
22 the President may determine.

23 (2) LIMITATION ON VALUE OF TRANSFERS.—

24 The aggregate value (as defined in section 664(m)  
25 of the Foreign Assistance Act of 1961) of defense

1 articles, defense services, and military education and  
2 training provided under this subsection may not ex-  
3 ceed \$200,000,000.

4 (3) EXPIRATION OF AUTHORIZATION.—The au-  
5 thority provided to the President in paragraph (1)  
6 expires at the end of fiscal year 1994.

7 (4) LIMITATION ON ACTIVITIES.—Members of  
8 the United States Armed Forces who perform de-  
9 fense services or provide military education and  
10 training outside the United States under this sub-  
11 section may not perform any duties of a combatant  
12 nature, including any duties related to training and  
13 advising that may engage them in combat activities.

14 (5) REPORTS TO CONGRESS.—Within 60 days  
15 after any exercise of the authority of paragraph (1)  
16 and every 60 days thereafter, the President shall re-  
17 port in writing to the Speaker of the House of Rep-  
18 resentatives and the President pro tempore of the  
19 Senate concerning the defense articles, defense serv-  
20 ices, and military education and training being pro-  
21 vided and the use made of such articles, services,  
22 and education and training.

23 (6) REIMBURSEMENT.—(A) Defense articles,  
24 defense services, and military education and training  
25 provided under this subsection shall be made avail-

1       able without reimbursement to the Department of  
2       Defense except to the extent that funds are appro-  
3       priated pursuant to subparagraph (B).

4               (B) There are authorized to be appropriated to  
5       the President such sums as may be necessary to re-  
6       imburse the applicable appropriation, fund, or ac-  
7       count for the value (as defined in section 664(m) of  
8       the Foreign Assistance Act of 1961) of defense arti-  
9       cles, defense services, or military education and  
10       training provided under this subsection.

○