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VETO–S. 21

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT MY APPROVAL S. 21, THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

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To the Senate of the United States:

I am returning herewith without my approval S. 21, the "Bosnia and Herzegovina Self-Defense Act of 1995." I share the Congress' frustration with the situation in Bosnia and am also appalled by the human suffering that is occurring there. I am keenly aware that Members of Congress are deeply torn about what should be done to try to bring this terrible conflict to an end. My Administration will continue to do its utmost with our allies to guide developments toward a comprehensive political settlement acceptable to all the parties. S. 21, however, would hinder rather than support those efforts. It would, quite simply, undermine the chances for peace in Bosnia, lead to a wider war, and undercut the authority of the United Nations (U.N.) Security Council to impose effective measures to deal with threats to the peace. It would also attempt to regulate by statute matters for which the President is responsible under the Constitution.

S. 21 is designed to lead to the unilateral lifting by the United States of the international arms embargo imposed on the Government of Bosnia and Herzegovina. Although the United States has supported the lifting of the embargo by action of the U.N. Security Council, I nonetheless am firmly convinced that a unilateral lifting of the embargo would be a serious mistake. It would undermine renewed efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the almost certain Americanization of the conflict.

The allies of the United States in the U.N. Protection Force for Bosnia (UNPROFOR) have made it clear that a unilateral lifting of the arms embargo by the United States would result in their rapid withdrawal from UNPROFOR, leading to its collapse. The United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, thereby putting thousands of U.S. troops at risk. At the least, such unilateral action by the United States would drive our allies out of Bosnia and involve the United States more deeply, while making the conflict much more dangerous.

The consequences of UNPROFOR's departure of a unilateral lifting of the arms embargo must be faced squarely. *First,* the United States would immediately be part of a costly NATO operation to withdraw UNPROFOR. *Second,* after that operation is complete, the fighting in Bosnia would intensify. It is unlikely the Bosnian Serbs would stand by waiting while the Bosnian government received new arms and training. *Third,* under assault, the Bosnian government would look to the United States to provide arms and air support, and, if that failed, more active military support. Unilateral lift of the embargo would lead to unilateral American responsibility. *Fourth,* intensified fighting would risk a wider conflict in the Balkans with far-reaching implications for regional peace.

UNPROFOR's withdrawal would set back fresh prospects for a peaceful, negotiated solution for the foreseeable future. *Finally,* unilateral U.S. action under these circumstances would create serious divisions between the United States and its key allies, with potential long-lasting damage to these important relationships and to NATO.

S. 21 would undermine the progress we have made with our allies and the United Nations in recent weeks to strengthen the protection of the safe areas in Bosnia and improve the provision of humanitarian assistance. NATO has agreed to the substantial and decisive use of air power to protect Gorazde, Sarajevo, and the other safe areas. The U.N. Secretary General has delegated his authority to the military commanders on the ground to approve the use of air power. The British and French, with our support, are deploying a Rapid Reaction Force to help open land routes to Sarajevo for convoys carrying vital supplies, strengthening UNPROFOR's ability to carry out its mission. These measures will help provide a prompt and effective response to Serb attacks on the safe areas. This new protection would disappear if UNPROFOR withdraws in response to the unilateral lifting of the embargo.

Events over the past several weeks have also created some new opportunities to seek a negotiated peace. We are actively engaged in discussions with our allies and others on these prospects. Unilaterally lifting the arms embargo now would jeopardize these ongoing efforts.

Unilaterally disregarding the U.N. Security Council's decision to impose an arms embargo throughout the former Yugoslavia also would have a detrimental effect on the ability of the Security Council to act effectively in crisis situations, such as the trade and weapons embargoes against Iraq or Serbia. If we decide for ourselves to violate the arms embargo, other states would cite our action as a pretext to ignore other Security Council decisions when it suits their interests.

S. 21 also would direct that the executive branch take specific actions in the Security Council and, if unsuccessful there, in the General Assembly. There is no justification for bringing the issue before the General Assembly, which has no authority to reconsider and reverse decisions of the Security Council, and it could be highly damaging to vital U.S. interests to imply otherwise. If the General Assembly could exercise such binding authority without the protection of the veto right held in the Security Council, any number of issues could be resolved against the interests of the United States and our allies.

Finally, the requirements of S. 21 would impermissibly intrude on the core constitutional responsibilities of the President for the conduct of foreign affairs, and would compromise the ability of the President to protect vital U.S. national security interests abroad. It purports, unconstitutionally, to instruct the President on the content and timing of U.S. diplomatic positions before international bodies, in derogation of the President's exclusive constitutional authority to control such foreign policy matters. It also attempts to require the President to approve the export of arms to a foreign country where a conflict is in progress, even though this may well draw the United States more deeply into that conflict. These en-

croachments on the President's constitutional power over, and responsibility for, the conduct of foreign affairs, are unacceptable.

Accordingly, I am disapproving S. 21 and returning it to the Senate.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *August 11, 1995.*

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