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Folder Title:

Bosnia/Iran Arms-Documents, April 1996 [2]

Staff Office-Individual:

Staff Director-Soderberg, Nancy

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Withdrawal/Redaction Sheet

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 001a. fax | Fax Coversheet [duplicate of ke5524_001a] (1 page) | 04/08/1996 | P1/b(1) |
| 001b. letter | To Bill Danvers [duplicate of ke5524_001b] (1 page) | 00/00/1996 | P1/b(1) |
| 001c. memo | Memorandum for the Record - SSCI Committee Hearing, re: Bosnia [duplicate of ke5523_026z] (9 pages) | 03/29/1995 | P1/b(1) |
| 001d. memo | Memorandum for the Record, re: Briefing for Senate Staffers on Bosnia [duplicate of ke5523_026za] (1 page) | 05/24/1995 | P1/b(1) |
| 001e. memo | Memorandum for the Record - Member Briefing for Senators, re: Bosnia Arms Embargo [duplicate of ke5523_026v] (1 page) | 11/15/1994 | P1/b(1) |
| 001f. memo | Memorandum for the Record - Member Briefing for Representatives, re: Bosnia Arms Embargo [duplicate of ke5523_026w] (2 pages) | 11/15/1994 | P1/b(1) |
| 001g. memo | Memorandum for the Record, re: Administration Briefing for Senate and House [duplicate of ke5523_026x] (2 pages) | 12/19/1994 | P1/b(1) |
| 001h. note | Administration Briefing for Senate and House [duplicate of ke5523_026y] (1 page) | 11/15/1994 | P1/b(1) |
| 002. talking points | U.S. Policy Toward Potential Arms Shipments to Bosnia: 1994-Present [duplicate of eh526_008, 2006-0996-F] (4 pages) | 04/14/1996 | P1/b(1) |
| 003. memo | Memorandum for the Record, re: One-on-One Meeting with Tony Lake [duplicate of ke5439_001] (3 pages) | 10/12/1994 | P1/b(1) |
| 004a. memo | Memorandum for the Record, re: Introductory Chronological Summary [duplicate of eh511_014, 2006-0996-F] (6 pages) | 10/20/1994 | P1/b(1) |

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National Security Council
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FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

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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| 004b. list | Chronology [duplicate of ke5465_002] (2 pages) | 00/00/1994 | P1/b(1) |
| 004c. talking points | [Talking Points for Weekly Meetings] [duplicate of ke5465_003] (2 pages) | 00/00/1994 | P1/b(1) |
| 005. cable | Re: [Tudjman Seeks USG Guidance] [duplicate of ke5511_005] (11 pages) | 04/29/1994 | P1/b(1) |
| 006. cable | Re: [Croatia to Seek U.S. Views] [duplicate of eh511_006, 2006-0996-F] (5 pages) | 04/27/1994 | P1/b(1) |
| 007. list | Table of Contents (7 pages) | 00/00/1996 | P1/b(1) |
| 008a. report | Yugoslavia: Situation Update [duplicate jn259_001v, 2017-0035-F] (1 page) | 09/07/1992 | P1/b(1) |
| 008b. report | [Croatia] [duplicate jn259_001w, 2017-0035-F] (3 pages) | 09/06/1992 | P1/b(1) |
| 009. cable | Re: Iran-Balkans: Supporting the Bosnians [duplicate of jn259_001u, 2017-0035-F] (2 pages) | 09/11/1992 | P1/b(1) |
| 010. report | Economic Sanctions/Arms Embargo [duplicate of jn259_001s, 2017-0035-F] (1 page) | 10/23/1992 | P1/b(1) |
| 011. cable | Re: [Bosnia-Herzegovina Military Assistance][duplicate of jn259_001t, 2017-0035-F] (2 pages) | 10/21/1992 | P1/b(1) |
| 012. report | Re: [Bosnia][duplicate of jn259_001h, 2017-0035-F] (3 pages) | 03/17/1994 | P1/b(1) |
| 013. cable | Re: [Bosnia] [duplicate of ke5523_008] (3 pages) | 04/20/1994 | P1/b(1) |

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| 014a. memo | Re: [Arms Embargo on Bosnia] [duplicate of ke5523_019a] (2 pages) | 05/13/1994 | P1/b(1) |
| 014b. report | [Bosnian Government Army] [duplicate of ke5523_019b] (4 pages) | 05/11/1994 | P1/b(1) |
| 015a. fax | Fax Coversheet [duplicate of ke5524_018a] (1 page) | 05/24/1994 | P1/b(1) |
| 015b. report | [Croatia] [duplicate of ke5524_018b] (4 pages) | 00/00/1994 | P1/b(1) |
| 015c. paper | [Bosnian Government] [duplicate of ke5524_018c] (3 pages) | 05/20/1994 | P1/b(1) |
| 016. cable | [Weapons] [duplicate of ke5523_006] (4 pages) | 06/06/1994 | P1/b(1) |
| 017. cable | [Balkans Crisis] [duplicate of ke5523_007] (3 pages) | 07/01/1994 | P1/b(1) |
| 018. report | [Croatia] [duplicate of jn259_001f, 2017-0035-F] (3 pages) | 07/08/1994 | P1/b(1) |
| 019a. report | [Bosnia-Herzegovina] [duplicate of jn259_001d, 2017-0035-F] (2 pages) | 09/01/1994 | P1/b(1) |
| 019b. report | [Bosnia] [duplicate of jn259_001g, 2017-0035-F] (2 pages) | 04/21/1994 | P1/b(1) |
| 020. paper | [Bosnian Government] [duplicate of ke5523_017] (1 page) | 08/30/1994 | P1/b(1) |
| 021. memo | [Training] [duplicate of ke5523_016] (1 page) | 09/27/1994 | P1/b(1) |

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| 022. cable | Re: [Bosnia-Herzegovina] [duplicate of jn259_001e, 2017-0035-F] (3 pages) | 08/31/1994 | P1/b(1) |
| 023. paper | [Bosnian Muslims] (3 pages) | 08/30/1994 | P1/b(1) |
| 024. report | Interagency Balkan Task Force, re: [Bosnian Government] [duplicate of ke5523_014] (2 pages) | 10/04/1994 | P1/b(1) |
| 025. report | [Bosnian] [duplicate of ke5523_015] (5 pages) | 10/12/1994 | P1/b(1) |

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| 001g. memo | Memorandum for the Record, re: Administration Briefing for Senate and House [duplicate of ke5523_026x] (2 pages) | 12/19/1994 | P1/b(1) |

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FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

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]
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| 001h. note | Administration Briefing for Senate and House [duplicate of ke5523_026y] (1 page) | 11/15/1994 | P1/b(1) |

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Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
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PRESIDENT ORDERS END TO ENFORCING BOSNIAN EMBARGO

MAJOR BREAK WITH ALLIES

Navy to Stop Diverting Ships Taking Arms to Balkans — Move May Strain NATO

By MICHAEL R. GORDON
Special to The New York Times

WASHINGTON, Nov. 10 — Breaking with its European allies, the Clinton Administration has directed the American military to stop enforcing the arms embargo against the Bosnian Government, beginning on Saturday.

Under the new approach, which has been sharply debated within the Administration, the United States Navy will not divert ships carrying arms to Bosnia or Croatia.

Nor will the United States share intelligence reports with its closest allies on the arms shipments, a decision that Western officials say is bound to add to strains within NATO, particularly between the United States and Britain, which have traditionally exchanged intelligence information at almost all levels.

Pentagon officials are concerned that the new policy puts American commanders at NATO in a difficult position. The commander of NATO operations in southern Europe, which is charged with enforcing the embargo, is Adm. W. Leighton Smith Jr. of the United States Navy.

The change will mean that the burden of enforcing the embargo, which has already begun to leak as air shipments have increased, will now fall entirely on the Western European nations that are its chief proponents.

This summer, Congress voted to cut off all funds for enforcing the Bosnian embargo by Nov. 15 if the Bosnian Serbs had not agreed to a peace settlement. Despite objections from the Pentagon, State Department officials argued for a broad

application of the Congressional measure, arguing that the Administration needed to keep faith with the spirit of the law.

In addition, the Administration's move also sent a signal to America's allies that there is strong political pressure here to lift the ban. Senator Bob Dole, the Kansas Republican expected to become majority leader in the wake of the Republican gains in elections on Tuesday, has pushed for a unilateral violation of the ban. The United Nations Security Council is currently debating an American proposal to formally end the embargo.

The weapons embargo has been one of the most controversial elements of Western policy throughout the bloody fighting in the former Yugoslavia.

Because the Bosnian Serbs were heavily supplied with tanks, artillery pieces and other heavy weapons by the Yugoslav Army, American officials argue that the ban has locked in a Serbian advantage and has encouraged Serbian intransigence at the negotiating table.

But Britain, France and other NATO members counter that allowing more weapons into Bosnia would lead to an escalation in the fighting and expose United Nations peace-keeping troops to retaliation by the Serbs.

The new American move does not mean that Washington will supply arms or unilaterally violate the Security Council ban. Rather, it means that the United States will no longer try to stop others from shipping weapons to the Muslim-led Bosnian Government.

Nor does it necessarily mean a flood of new arms will stream into Bosnia. The vast bulk of the weapons now being shipped to Bosnia are being delivered by air, and only a handful of ships have been caught trying to breach the embargo.

Still, Administration officials said that the move may encourage arms suppliers to try to send weapons by sea and conceded that it will complicate efforts by NATO nations to enforce the embargo.

Opponents and supporters of the arms embargo acknowledge that it will also add to the strains within the alliance over Bosnia and other security issues.

"This just drives home to our partners in the alliance that the political pressure here to lift the arms embargo is real and will only get stronger if other measures fail," said a senior Administration official, referring to Congressional demands that the United States stop respecting the United Nations imposed ban.

"This is an immense complication," complained a Western European diplomat who favors the embargo. "It is not clear that all the operational issues have been worked through."

The amendment that led to the Administration's decision was sponsored by Senator Sam Nunn, the Georgia Democrat, and Senator George Mitchell, the departing Senate Majority leader, in part to head off an even tougher measure backed by Senator Dole.

When the amendment was passed this summer, it was unclear how broadly the Administration would interpret it.

Pentagon officials resisted making a sharp break with existing policy, Administration officials said. Defense Secretary William J. Perry is

The Wall Street Journal _____
The Washington Times _____
USA Today _____
Associated Press _____
UPI _____
Reuter _____

Date 11 NOV. 1994

CONTINUED

Page 10.

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wary of being drawn into the Bosnia conflict.

Under the new policy, Admiral Smith will be able to oversee the embargo in his role as NATO commander. But he will not be able to direct American ships to enforce the ban. And if he receives American intelligence about weapons shipments he will not be able to act on that information.

But State Department officials favored a broad interpretation of the legislation and won. They argued that the Administration needed to be true to the intent of the Congressional legislation, which was to stop American participation in the embargo.

The new policy goes into effect on midnight Saturday, local time, or 6 P.M. Eastern time. But many key details, however, still need to be worked out and according to internal Administration documents it will take a week to coordinate all the changes with NATO.

An Administration official said that under the new approach American forces "may no longer divert or delay vessels with arms for Bosnia."

Since Bosnia does not have a seaport, this means that American forces will not try to stop deliveries of arms to Croatia that are believed to be intended for the Bosnian Government.

The new plan allows American forces to seize shipments of arms in some cases. For example, American ships can seize shipments of arms which are deemed to be especially threatening to NATO forces, such as surface-to-air missiles that could be used to shoot down American and allied planes.

They can still seize "prohibited cargo," such as materials used to make weapons of mass destruction and weapons shipments destined for other countries.

American intelligence reports specifically concerning arms shipments to Bosnia will be classified "noform." That is an official designation meaning that the intelligence cannot be shared with foreign governments.

And if American ships board vessels to determine what they are carrying and learn that they are sending arms to Bosnia, American officers may not tell allied officials.

Allied nations provide most of the ships that are used to enforce the weapons embargo and could adjust their deployments to compensate for Washington's decision.

But the American move will complicate the allies' task. An American Aegis cruiser stationed in the Adriatic — code-named "Redcrown" — has played a central role in monitoring ships and planes and quickly transmitting that information to allied forces. Now, it will have to, in effect, censor some of its reports pertaining to possible weapons shipments.

The American decision will not affect the American effort to enforce the no-flight ban over Bosnia.

**U.S. POLICY TOWARD POTENTIAL ARMS
SHIPMENTS TO BOSNIA: 1994-PRESENT**

U.S. Policy Deliberations in Spring 1994

- Since taking office in 1993, the Clinton Administration opposed the arms embargo against Bosnia-Herzegovina and sought unsuccessfully to lift it multilaterally, but we did not provide arms to the Bosnian Government or to Croatia, directly or indirectly.
- In the spring of 1994, Gorazde and other Government-held areas of Bosnia were under siege and the newly established Muslim-Croat Federation was in a precarious state.
- There were pressures in the Congress for the U.S. to lift the arms embargo *unilaterally*, which the Administration opposed both because it would lead to the collapse of UNPROFOR and cause a major rift in relations with our European allies, and because it would require the U.S. to violate a binding UN Security Council resolution and thereby undermine respect for other UN sanctions regimes, including economic sanctions against Serbia-Montenegro and Iraq.
- In April 1994, we were asked by the Government of Croatia whether the United States would object if Croatia were to allow arms shipments to the Bosnian Government from other countries, including Iran, to transit Croatian territory.
- Given the military urgency of the situation facing the Federation on the ground and the imbalance in favor of Bosnian Serb forces, the Administration did not object to possible arms shipments to the Bosnians through Croatia. We decided that we would neither approve of nor object to such shipments; U.S. representatives were told to respond to further inquiries by the Croatian Government by stating that they had "no instructions" on the matter. ***** [The U.S. had no contact with the Government of Iran on this matter.]
- [At that time, apart from participating in NATO's naval operation Sharp Guard in the Adriatic Sea, the U.S. was not taking active steps -- either diplomatic or military -- to enforce the arms embargo against third countries. While U.N. Security Council resolutions called upon states to take such enforcement actions, they were not required by those resolutions. The focus of our efforts, including in operation Sharp Guard, was on enforcing economic sanctions against Serbia-Montenegro.]
- Beginning in May 1994, the U.S. intelligence community began to report flights by Iranian transport planes to Croatia with cargoes intended for Bosnia and which were believed to contain military as well as humanitarian supplies. These reports were contained in an intelligence document that is provided on a daily basis to the relevant Congressional committees; the Leadership and its staff have access to this daily report. In June 1994, the *Washington Times* carried the first press reports that Iran was sending arms to Bosnia through Croatia.
- In October 1994, as an alternative to unilaterally lifting the arms embargo, the Congress -- with strong bipartisan support -- enacted legislation making it illegal for the U.S. to use

appropriated funds to enforce the Bosnia arms embargo against third countries, including Iran. This legislation took effect in November.

The Intelligence Oversight Board Examination

- In October 1994, the CIA raised with the White House concerns within the CIA involving confusion in U.S. message traffic as well as indications in intelligence traffic about whether the U.S. was either “looking the other way” regarding other countries’ giving military aid to the Bosnian Government or discussing providing such aid itself. The Director of Central Intelligence was advised at this time of the “no instructions policy.”
- The National Security Adviser undertook an immediate review of the information provided by CIA and subsequently alerted White House Counsel Abner Mikva that U.S. officials may have gone beyond a “no instructions” policy and become directly involved in arms shipments to the Bosnian Government through Croatia.
- In November 1994, the White House Counsel, [in consultation with the National Security Adviser, Secretary of State and White House Chief of Staff], asked the Intelligence Oversight Board (IOB) to examine the matter. The IOB completed its report to the President on May 11, 1994.
- The IOB reviewed relevant diplomatic communications and intelligence reporting from the period and interviewed U.S. officials who were involved in formulating or implementing the policy described above, those who originally raised concerns, and others familiar with the matter.
- The IOB found no indication of the provision of arms or funding by the U.S. Government and no evidence of any actual U.S. offer of assistance.
- The IOB, in consultation with the White House Counsel, found no evidence that U.S. laws governing covert action were violated. Specifically, the IOB and White House Counsel did not find that actions constituting U.S. covert action occurred; thus, no requirement for a Presidential finding and Congressional notification arose.
- Under the law, covert action is defined as “an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly.” The definition does not include, among other things, traditional diplomatic, military, counterintelligence or law enforcement activities.
- The legislative history makes clear that the U.S. will not be deemed to be carrying out a covert action through third parties unless the third parties are receiving direction and assistance from U.S. personnel directly involved in carrying out an activity that otherwise meets the definition of covert action. (The legislative history also makes clear that the statutory definition of covert action does not include within its scope requests to third countries to conduct covert action. In 1991, President Bush vetoed legislation that would have included such requests within the definition of covert action. The legislation was subsequently enacted without this language.)

- The Intelligence Oversight Board was created by executive order in 1976. It is currently a standing committee of the President's Foreign Intelligence Advisory Board. The Board's members are appointed by the President from outside of government. It is charged with, among other things, preparing reports for the President on intelligence activities it believes may be unlawful or contrary to executive order or Presidential directive. The Board is required by executive order to report activities that it believes may be unlawful to the Justice Department. In addition, the Board is available to the President, and his senior advisers, to review any intelligence activity, program or report raising concerns. It is on this basis that the referral above was made.

Implications for Iranian Influence in Bosnia

- In choosing not to block potential Iranian arms shipments to Bosnia, the Administration had to balance its concerns about increased Iranian influence against the risks of the military imbalance for the future of Bosnia and for the survival of the Federation.
- In the present context, we expect the Bosnian Government and all other parties to abide by the Dayton agreement's provision on withdrawal of all foreign forces.
- Moreover, we have made clear to the Bosnians that we are committed to leading an international effort to train and equip Federation forces, but that this effort is contingent on the withdrawal of all foreign forces and resolution of the issue of Bosnia's military and intelligence links with Iran.

Conclusion

- The Administration's policy sought to strike a balance between our policy of abiding by the arms embargo and containing the spread of Iranian influence on the one hand, and our concerns about the adverse military situation facing Federation forces on the other.
- [Our actions were consistent with the will of the Congress, as subsequently expressed in October 1994 legislation that barred us from using appropriated funds to enforce the Bosnia arms embargo, while avoiding crossing the line of unilaterally abrogating a binding Security Council resolution by providing arms to the Bosnian Government directly.] *or indirectly.*
- When concerns arose, the Administration employed the appropriate executive branch intelligence oversight mechanism. The Intelligence Oversight Board conducted a thorough, careful, and confidential review. The Board's results were provided to the President and to senior officials at the White House, State Department, and CIA.

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|--------------------------|---|------------|-------------|
| 002. talking points | U.S. Policy Toward Potential Arms Shipments to Bosnia: 1994-Present [duplicate of eh526_008, 2006-0996-F] (4 pages) | 04/14/1996 | P1/b(1) |

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Staff Director (Soderberg, Nancy)
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2008-0994-F
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DRAFT
DELIBERATIVE

4/14/96 (1200)
c: Boslet

Dear Mr. Chairman:

I am responding on behalf of the [Administration][the Executive Branch] to the Senate Select Committee's requests of April 9 to the Secretary of State, Secretary of Defense, Attorney General, Director of Central Intelligence and Assistant to the President for National Security Affairs for material bearing on an inquiry your committee intends to undertake in response to a Los Angeles Times article. The Executive Branch is continuing to assemble materials that may be responsive, and where appropriate, will provide Congress access to these materials [as they are reviewed.]

It has long been recognized, and I am sure you appreciate, that protecting the confidentiality of deliberative communications [within the Executive Branch][within the White House and to and from the White House] is essential to ensuring the sort of candid and thorough debate that enables our government to function in the public interest. It has therefore been the practice of prior Administrations -- and it continues to be the practice of this administration -- to protect the confidentiality of internal, deliberative materials. As you are also no doubt aware, the courts have encouraged the executive and legislative branches to work together to attempt to meet each branch's vital needs -- namely the Congress' need for access to information that is available only from the executive branch and the Executive Branch's need to communicate internally in a frank and confidential manner. For that reason, this Administration, like its predecessors, has always been willing to seek a mutually acceptable accommodation of the interests of the Congress and the Executive Branch in cases where Congress has made a clear showing of need for the specific information at issue and where the specific information sought cannot be obtained from sources other than deliberative process materials. We stand ready to entertain any such showing of need and to work with you to find a way to accommodate your interest as well as to protect those of the Executive Branch.

I am sure you also recognize the President's responsibility to safeguard state secrets, which in this case include some of our most sensitive human sources and technical methods. These sources and methods continue to provide intelligence to our

ongoing efforts to bring peace to Bosnia and to our forces in the region who are so instrumental to that process.

You have also requested a copy of the Intelligence Oversight Board's (IOB) report. For the reasons stated in Ab Mikva's letter to you of October 26, 1995, as a matter of principle, this Administration like previous administrations has taken the view that confidential communications from the IOB to the President should not be shared with the Congress. This view is rooted in the separation of powers between the two branches and an understanding that the confidentiality of the IOB's communications to the President is essential to the operation of this oversight mechanism. I am confident an appropriate accommodation can be worked out in this instance, as it has been worked out in the case of the IOB's interim Guatemala reports.

In your letter you also request access to personnel for "such interviews and testimony as the committee may require." The [Administration][Executive branch] will, of course, make appropriate personnel available to the Committee, and the Congress, for briefings and testimony. Again, this should be done in a manner that accommodates Congress' need for access to information that is available only from the executive branch and the Executive Branch's need to communicate internally in a frank and confidential manner. Toward this end, it is long-standing Executive Branch practice that agencies asked to testify on policy matters shall designate the appropriate official of the appropriate grade to do so. In addition, members of the President's immediate staff, including those in the White House Office and on the National Security Council staff, do not testify before the Congress on matters of policy.

In your letter you also asked a series of questions. Attached are [answers][preliminary answers] to these questions.

Again, the Administration stands ready to fully respond to your questions in a manner that accommodates the legitimate interests and constitutional roles of the Congress and the Executive Branch. [To facilitate this process, I would ask that you work directly with _____, who will be [leading][coordinating] the Executive Branch response to your questions.]

Sincerely,
Secretary of State
White House Counsel
National Security Advisor

Consideration:

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|--------------------------|--|------------|-------------|
| 003. memo | Memorandum for the Record, re: One-on-One Meeting with Tony Lake [duplicate of ke5439_001] (3 pages) | 10/12/1994 | P1/b(1) |

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2008-0994-F

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Legal points:

(1) Was the SSCI notified of a covert operation to provide Bosnian forces with arms from Iran?

No. There was no such covert operation.

(6) What were the findings and conclusions of the Intelligence Oversight Board which reportedly conducted an investigation into this matter?

The Chairman of the IOB will brief the Senate Select Committee on Intelligence on the IOB's review of events surrounding Iran's provision of arms to the Bosnian Muslims on Tuesday, April 14, 1996.

(d) What are the legal obligations of Executive branch agencies regarding covert actions and the reporting to Congress of such actions or of other intelligence activities? How did these obligations apply in this case, or why did they not apply, and what legal advice or opinions were obtained? Did the executive branch violate any applicable laws, Executive orders or regulations in this matter.

The definition of covert action and reporting requirements regarding covert action are found in Section 503 of the National Security Act of 1947, as amended. Covert action is defined as "an activity or activities of the United States Government to influence political, economic, or military conditions abroad, where it is intended that the role of the United States Government will not be apparent or acknowledged publicly." The definition does not include, among other things, traditional diplomatic, military, counterintelligence or law enforcement activities.

The legislative history makes clear that the U.S. will not be deemed to be carrying out a covert action through third parties unless the third parties are receiving direction and assistance from U.S. personnel directly involved in carrying out an activity that otherwise meets the definition of covert action. (The legislative history also makes clear that the statutory definition of covert action does not include within its scope requests to third countries to conduct covert action. In 1991, President Bush vetoed legislation that would have included such requests within the definition of covert action. The legislation was subsequently enacted without this language.) As a result, a "no instructions policy," which in any event is a diplomatic instruction falling short of a request that a third state

conduct covert action, would not have required authorization in the form of a Presidential finding nor notification to the Congress as a covert action.

With respect to the IOB's review of events surrounding Iran's provision of arms to the Bosnian Muslims, the IOB found no indication of the provision of arms or funding by the U.S. Government and no evidence of any actual U.S. offer of assistance.

The IOB, in consultation with the White House Counsel, found no evidence that U.S. laws governing covert action were violated. Specifically, the IOB and White House Counsel did not find that actions constituting U.S. covert action occurred; thus, no requirement for a Presidential finding and Congressional notification arose.

Under Executive Order 12333, the heads of departments and agencies with organizations in the Intelligence Community, as appropriate, shall report to the Attorney General possible violations of federal criminal laws by employees and specified federal criminal laws by any other person as provided for in Attorney General Guidelines. In addition, report to the IOB concerning any intelligence activity of their organizations that they have reason to believe may be unlawful or contrary to executive order.

As a separate matter the Intelligence Oversight Board is required required by Executive Order 12863 to report activities that it believes may be unlawful to the Attorney General.

Not responding:

1. legal advice.
2. other reporting requirements.
3. regulations in this matter.

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|--------------------------|---|------------|-------------|
| 004a. memo | Memorandum for the Record, re: Introductory Chronological Summary [duplicate of eh511_014, 2006-0996-F] (6 pages) | 10/20/1994 | P1/b(1) |

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| 004b. list | Chronology [duplicate of ke5465_002] (2 pages) | 00/00/1994 | 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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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 004c. talking points | [Talking Points for Weekly Meetings] [duplicate of ke5465_003] (2 pages) | 00/00/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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

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|--------------------------|---|------------|-------------|
| 005. cable | Re: [Tudjman Seeks USG Guidance] [duplicate of ke5511_005] (11 pages) | 04/29/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|--|------------|-------------|
| 006. cable | Re: [Croatis to Seek U.S. Views] [duplicate of eh511_006, 2006-0996-F] (5 pages) | 04/27/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|-----------------------------|------------|-------------|
| 007. list | Table of Contents (7 pages) | 00/00/1996 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

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

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92 - Bush Admin
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|--------------------------|--|------------|-------------|
| 008a. report | Yugoslavia: Situation Update [duplicate jn259_001v, 2017-0035-F] (1 page) | 09/07/1992 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 008b. report | [Croatia] [duplicate jn259_001w, 2017-0035-F] (3 pages) | 09/06/1992 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|--|------------|-------------|
| 009. cable | Re: Iran-Balkans: Supporting the Bosnians [duplicate of jn259_001u, 2017-0035-F] (2 pages) | 09/11/1992 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 010. report | Economic Sanctions/Arms Embargo [duplicate of jn259_001s, 2017-0035-F] (1 page) | 10/23/1992 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|--|------------|-------------|
| 011. cable | Re: [Bosnia-Herzegovina Military Assistance][duplicate of jn259_001t, 2017-0035-F] (2 pages) | 10/21/1992 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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NATIONAL SECURITY COUNCIL

Mar - Oct 94

- Any of these reports that are printed (such as MIDs) went to Hill.
 - Other info is background messages/papers used to prepare MIDs and Hill briefings.
-

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|-----------------------------|------------|-------------|
| 023. paper | [Bosnian Muslims] (3 pages) | 08/30/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 024. report | Interagency Balkan Task Force, re: [Bosnian Government] [duplicate of ke5523_014] (2 pages) | 10/04/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|--|------------|-------------|
| 012. report | Re: [Bosnia][duplicate of jn259_001h, 2017-0035-F] (3 pages) | 03/17/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|--|------------|-------------|
| 013. cable | Re: [Bosnia] [duplicate of ke5523_008] (3 pages) | 04/20/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

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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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)]

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 014a. memo | Re: [Arms Embargo on Bosnia] [duplicate of ke5523_019a] (2 pages) | 05/13/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|--|------------|-------------|
| 014b. report | [Bosnian Government Army] [duplicate of ke5523_019b] (4 pages) | 05/11/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

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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|--------------------------|--|------------|-------------|
| 015a. fax | Fax Coversheet [duplicate of ke5524_018a] (1 page) | 05/24/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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

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|--------------------------|--|------------|-------------|
| 015b. report | [Croatia] [duplicate of ke5524_018b] (4 pages) | 00/00/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 015c. paper | [Bosnian Government] [duplicate of ke5524_018c] (3 pages) | 05/20/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 016. cable | [Weapons] [duplicate of ke5523_006] (4 pages) | 06/06/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

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

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|--------------------------|--|------------|-------------|
| 017. cable | [Balkans Crisis] [duplicate of ke5523_007] (3 pages) | 07/01/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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

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| 018. report | [Croatia] [duplicate of jn259_001f, 2017-0035-F] (3 pages) | 07/08/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F

ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 019a. report | [Bosnia-Herzegovina] [duplicate of jn259_001d, 2017-0035-F] (2 pages) | 09/01/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 019b. report | [Bosnia] [duplicate of jn259_001g, 2017-0035-F] (2 pages) | 04/21/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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| DOCUMENT NO. AND TYPE | SUBJECT/TITLE | DATE | RESTRICTION |
|--------------------------|---|------------|-------------|
| 020. paper | [Bosnian Government] [duplicate of ke5523_017] (1 page) | 08/30/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

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

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|--------------------------|---|------------|-------------|
| 021. memo | [Training] [duplicate of ke5523_016] (1 page) | 09/27/1994 | P1/b(1) |

COLLECTION:

Clinton Presidential Records
National Security Council
Staff Director (Soderberg, Nancy)
OA/Box Number: 1402

FOLDER TITLE:

Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-F
ke5613

RESTRICTION CODES

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

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National Security Council
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Bosnia/Iran Arms - Documents, April 1996 [2]

2008-0994-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]

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

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

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