

104th Congress, 1st Session - - - - - House Document 104-153

SUSPENSION OF SANCTIONS IMPOSED ON THE FEDERAL
REPUBLIC OF YUGOSLAVIA (SERBIA AND
MONTENEGRO)

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A COPY OF PRESIDENTIAL DETERMINATION NO. 96-7: SUSPENDING SANCTIONS IMPOSED ON THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO), PURSUANT TO PUBLIC LAW 103-160, SEC. 1511(e)(2) (107 STAT. 1840)



DECEMBER 27 (legislative day, DECEMBER 22), 1995.—MESSAGE AND ACCOMPANYING PAPERS REFERRED TO THE COMMITTEES ON NATIONAL SECURITY, INTERNATIONAL RELATIONS, BANKING AND FINANCIAL SERVICES, AND TRANSPORTATION AND INFRASTRUCTURE AND ORDERED TO BE PRINTED

U.S. GOVERNMENT PRINTING OFFICE

29-011

WASHINGTON : 1995

To the Congress of the United States:

Section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (hereinafter the "Act"), requires that the sanctions imposed on Serbia and Montenegro, as described in that section, shall remain in effect until changed by law. Section 1511(e) of the Act authorizes the President to waive or modify the application of such sanctions upon certification to the Congress that the President has determined that the waiver or modification is necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

In accordance with this provision, I have issued the attached Presidential Determination stating that the suspension of the sanctions described in section 1511(a)(1-5) and (7-8) and in conformity with the provisions of United Nations Security Council Resolutions 1021 and 1022 is necessary to achieve a negotiated settlement of the conflict. As described in the attached Memorandum of Justification, this sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed in Dayton, Ohio, on November 21, 1995 (hereinafter the "Peace Agreement").

I have directed the Secretaries of the Treasury and Transportation to suspend immediately the application of these sanctions on Serbia and Montenegro and have authorized the Secretary of State to suspend the arms embargo at appropriate stages consistent with United Nations Security Council Resolution 1021. The first stage would be 91 days after the United Nations Secretary General reports to the United Nations Security Council that all parties have formally signed the Peace Agreement.

The measures taken to suspend these sanctions may be revoked if the Implementation Force (IFOR) commander or High Representative determines that Serbia and Montenegro or the Bosnian Serbs are not meeting their obligations under the Peace Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 27, 1995.*

THE WHITE HOUSE

WASHINGTON

December 27, 1995

Presidential Determination
No. 96-7

MEMORANDUM FOR THE SECRETARY OF STATE
THE SECRETARY OF THE TREASURY
THE SECRETARY OF TRANSPORTATION

SUBJECT: Presidential Certification to Suspend Sanctions
Imposed on the Federal Republic of Yugoslavia
(Serbia and Montenegro)

Pursuant to the authority vested in me by section 1511(e)(2) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) (the "Act"), I hereby determine that the waiver or modification of the sanctions on Serbia and Montenegro that were imposed by or pursuant to the directives described in section 1511(a)(1-5) and (7-8) of the Act, in conformity with the provisions of United Nations Security Council Resolutions 1021 and 1022 of November 22, 1995, is necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

Therefore, I hereby direct the Secretary of the Treasury to take appropriate action to suspend the application of the sanctions imposed on Serbia and Montenegro pursuant to Executive Order No. 12808 of May 30, 1992, Executive Order No. 12810 of June 5, 1992, Executive Order No. 12831 of January 15, 1993, and Executive Order No. 12846 of April 25, 1993, effective upon the transmittal of this determination to the Congress. The property and interests in property previously blocked remain blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.

I hereby direct the Secretary of Transportation to take appropriate action to suspend the application of the sanctions imposed pursuant to Department of Transportation Order 92-5-38 of May 20, 1992, Department of Transportation Order 92-6-27 of June 12, 1992, and Special Federal Aviation Regulation No. 66-2 of May 31, 1995 (14 C.F.R. Part 91, 60 Federal Register 28477), effective upon the transmittal of this determination to the Congress.

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I hereby authorize the Secretary of State to take appropriate action to suspend the application of the sanctions imposed pursuant to Department of State Public Notice 1427 of July 11, 1991, at the appropriate time in conformity with the provisions of United Nations Security Council Resolution 1021 of November 22, 1995.

The national emergency declared in Executive Order No. 12808 and expanded in Executive Order No. 12934 shall continue in effect.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

William J. Clinton

Memorandum of Justification for
Presidential Certification Regarding the
Modification of the Application of
U.S. Sanctions on Serbia and Montenegro

The Serbia and Montenegro sanctions program is a key element of the President's policy aimed at bringing about a settlement of the conflict in the former Yugoslavia. The United States has continued to strive during the past three years to ensure strong enforcement of the sanctions on Serbia and Montenegro. This has maintained the effectiveness of the sanctions program, motivating the Serbian leadership to come to the negotiating table.

The General Framework Agreement for Peace in Bosnia and Herzegovina, signed in Paris on December 14, 1995, produced agreement among the warring parties to establish a single state of Bosnia-Herzegovina within its pre-1992 borders. Bosnia will be governed by a central government with constitutionally enumerated powers over internal and international affairs and will contain two entities. Along with resolution of many thorny territorial issues, the parties agreed to regional stabilization measures as well as to protect human rights and fundamental freedoms and to hold elections within the next year.

The agreement required more than two weeks of intensive negotiations in Dayton. During the talks, all sides were forced to make concessions on a range of deeply held issues. The likelihood of sanctions suspension was one of the key factors contributing to Serbian President Slobodan Milosevic's agreement at the talks. As the representative of Bosnian Serb interests at Dayton, Milosevic's role was crucial in reaching agreement. Sanctions relief was clearly anticipated as a consequence of accord, and has already taken the form of the United Nations Security Council Resolutions 1021 and 1022, adopted by the Council on November 22, 1995.

Before agreeing to sanctions suspension, we insisted on a credible reimposition mechanism to ensure no backsliding on the commitments made by the Serbs. If the IFOR commander or High Representative determines that the FRY or the Bosnian Serbs are not meeting their obligations under the Peace Agreement, economic sanctions may again go into effect against the Serbs. Accordingly, we plan to leave the Sanctions Assistance Mission infrastructure and monitors in place.