

Congress Levies Accusations on Gore-Chernomyrdin Deal

- [Arms Control Today](#)

[Wade Boese](#)

Just weeks before the presidential election, Republican legislators alleged that Vice President Al Gore concluded a secret June 1995 deal with Moscow whereby Russia was permitted to transfer arms to Iran without the United States imposing sanctions called for by U.S. non-proliferation laws. The Clinton administration denied that the deal required ignoring U.S. law, and it staunchly defended the agreement, arguing that it was responsible for Russia not signing any new "advanced" conventional arms contracts with Iran after 1995. Though Russia has not strictly abided by its commitments not to sell additional weaponry to Iran, its pre-1995 deals do not appear to be sanctionable under U.S. law. (See p. 25 for coverage of nuclear-related accusations.)

Building on a September 1994 statement from then-Russian President Boris Yeltsin to President Bill Clinton that Moscow would end arms sales to Iran, Gore secured a written agreement, officially referred to as an "aide memoire," from then-Russian Prime Minister Viktor Chernomyrdin in June 1995 that Russia would not sign any new arms deals with Iran and would complete delivery of all existing weapons orders by the end of 1999. In exchange, Washington supported Russian participation in founding a new arms trade regime—what would subsequently become the 1996 Wassenaar Arrangement. Lynn Davis, then-undersecretary of state for arms control and international security affairs, publicly elaborated on the deal in a July 12, 1995, speech to a Washington think tank audience.

As part of the agreement, Russia provided the United States with an accounting of all pending arms deals that it expected to fulfill with Iran, thereby preventing Russia from modifying its deals or adding sales in the future and then claiming they had been concluded before 1995. Reportedly, the supplied list of deals in the pipeline—the bulk of which were signed in 1991 or earlier—included battle tanks, armored combat vehicles, a Kilo-class submarine, torpedoes, and aerial bombs.

Last year, Russia informed the United States that delivery of some of the pre-1995 deals would not be completed by the agreed 1999 deadline and asked for an extension. The United States objected, but Russia has continued to transfer arms to Iran this year. Department of State spokesman Richard Boucher said October 13 that the administration has "made clear in no uncertain terms in our discussions [with Russia] that we don't approve of that extension." Boucher noted earlier that "to the best of our knowledge" Russia has "signed no new contracts for the sale of advanced conventional arms to Iran for the last five years."

An August report issued by the Congressional Research Service, however, claims that between 1996 and 1999 Russia agreed to arms sales with Iran worth roughly \$200 million. Anthony Cordesman, who served as an assistant on national security matters to Senator John McCain (R-AZ), wrote in an October 15 report that "violations of U.S. and Russian agreements have been minor, have had little military meaning, and been more technical than substantive." Early this year, Iran started taking delivery of five Mi-17 combat transport helicopters, which were reportedly not on the 1995 agreed list.

GOP Senators Air Charges

At an October 5 joint subcommittee hearing of the Senate Foreign Relations Committee devoted to Russian involvement in Iranian weapons programs, Senator Sam Brownback (R-KS) grilled Assistant Secretary of State for Nonproliferation Robert Einhorn on Russian arms sales to Iran. Brownback, citing a recently released CIA report on proliferation which charged that Russia "remains an important source of conventional weapons and spare parts for Iran," asserted that Russia had not lived up to its "negotiated" 1995 deal to end its Iranian arms trade. The senator further explained that in return for the 1995 Russian commitment the United States had "pledged to avoid any sanctions."

Eight days later, The New York Times ran a front-page story on the 1995 aide memoire, quoting sections of the classified document. The article named the 1992 Iran-Iraq Arms Non-Proliferation Act as the law the Gore-Chernomyrdin agreement "appeared to undercut," though it erroneously stated that the legislation calls for sanctions to be applied to all countries that transfer weapons to state sponsors of terrorism. Cosponsored by McCain and Gore, when he represented Tennessee in the Senate, the 1992 legislation calls on the United States to impose sanctions on countries supplying Baghdad or Tehran with "destabilizing numbers and types of advanced conventional weapons." The act lists specific types of weapons defined as "advanced" but leaves it to the president's discretion to determine what would be "destabilizing" or to expand the list by adding additional weapon systems.

(A separate U.S. law prohibits the United States from providing foreign assistance to countries that deliver "lethal military equipment" to states sponsoring terrorism. This specific legislation was first enacted on September 30, 1993. The law only applied to contracts entered into after the law took effect and would therefore not apply retroactively to any Russian deals in the aide memoire concluded prior to that date. This language was later amended to the Foreign Assistance Act on April 24, 1996.

Against a backdrop of rising press attention, Senators Gordon Smith (R-OR) and Brownback held an October 19 press conference to announce that they would hold a hearing the following week to investigate the 1995 agreement. Brownback, who had earlier noted in the October 5 hearing that the United States had pledged to avoid sanctions in return for Russia halting its arms deals with Iran, declared at the press conference that "the first I knew about this agreement was when the story broke in The New York Times." A Senate Republican staffer explained in an October 26 interview that the senator meant the Times article was the first he had heard of a "written" deal.

As further evidence that the Clinton administration "willfully" intended to "ignore U.S. statutes," at the press conference Brownback cited a secret January 13, 2000, letter from Secretary of State Madeleine Albright to Russian Foreign Minister Igor Ivanov—also excerpted in press accounts—that stated "without the aide memoire, Russia's conventional arms sales to Iran would have been subject to sanctions based on various provisions of our laws." The senators called on the administration to turn over all relevant documents.

The Administration Response

Appearing October 15 on NBC, National Security Adviser Samuel Berger noted that the Russian deals reported under the 1995 aide memoire did not match the types defined as "advanced" by the Iran-Iraq Act. On October 13, the day The New York Times article appeared, Richard Boucher stated that before Gore signed the aide memoire, the Pentagon reviewed the Russian arms sales and concluded that "none" would be destabilizing or would threaten the military balance in the Persian Gulf. The State Department spokesman also asserted that none of the contracts were "sanctionable by law because they predate the effective date of the various lethal military equipment sanctions laws and because they did not meet the threshold for advanced conventional weapons, as defined in the Iran-Iraq Nonproliferation Act of 1992." A Gore aide, interviewed on October 23, further stated that "In no way did the Vice President pledge to forgo sanctions that would be applicable under U.S. law." Testifying before a joint hearing of Senate subcommittees on October 25, Deputy Assistant Secretary of State for Nonproliferation Controls John Barker provided the administration's fullest explanation of the deal. Barker stated the U.S. government only gave the assurance that it would take "appropriate steps" not to sanction Russia for its pre-1995 deals "after a careful review to ensure that they did not in fact trigger mandatory sanctions under the Iran-Iraq Act or other potential applicable sanctions laws." The intelligence community, Pentagon, Department of State, and the Joint Staff, according to

Barker, all participated in the review before a "conclusion of non-sanctionability was reached."

Barker, who started his testimony by warning that U.S. negotiating strategy with Russia was "being compromised by discussing these matters in public," emphasized the administration made "no promise" not to impose U.S. law. "It has always been the case that the transfers subject to the aide memoire do not trigger U.S. sanctions laws. There were no sanctions to impose," he said.

Addressing Russia's transfer of a Kilo-class submarine in 1997, which GOP senators have repeatedly highlighted as an example of a sanctionable transfer, Barker stated that the submarine did not fall within the 1992 act's definition of an advanced conventional weapon. He added that he assumed "[President George Bush's] administration must have reached the same conclusion" since a Kilo was first delivered to Iran in 1992 without eliciting sanctions. Tehran signed the contract for three Kilos in 1988; deliveries took place in 1992, 1993, and 1997.

Barker also dismissed an accusation made in an October 24 letter by 11 former high-level government officials that the United States had "acquiesced" to sales of Russian fighter aircraft to Iran. "Advanced military aircraft" are on the sanctionable list of the 1992 Iran-Iraq Act, but Barker stated, "We believe that Iran's Russian aircraft were supplied before 1995," meaning they would not have fallen under the purview of the Gore-Chernomyrdin agreement.

Explaining the Albright letter, Barker said that it was "intended to deliver a stern warning that failure to abide by the restrictions embodied in the aide memoire regarding arms sales to Iran could have serious consequences." He said the letter was sent at a time when the administration was looking for Russian clarifications on their compliance with the aide memoire. "We felt it appropriate to stress the maximum consequences they might face, depending on further disclosures about Russian export activity," he said. Barker claimed the approach worked in that Russia reaffirmed its "commitment to limit the scope of the conventional weapons transfers to those items covered by the aide memoire."

Speaking to the issue of whether the administration kept the deal secret, Barker testified that the "thrust of these documents was widely telegraphed to both the Congress and the American people." He noted the administration released a fact sheet at the time and has frequently made reference to the deal, including in congressional testimony. Prior to the hearing on October 19, White House spokesman Jake Siewert said the House International Relations Committee had received a briefing in 1995 and remarked the upcoming hearing was "more about the election season than about the real substance here."

After the Senate hearing, which went into closed session, Senator Brownback released a statement saying that until the administration turns over the full text of the aide memoire, questions will remain whether the administration broke U.S. law. That afternoon, senior GOP senators demanded the administration hand over the documents, which it had so far refused to do, by noon October 30 or face the possibility of a subpoena to release the aide memoire. On the day of the deadline, the State Department proposed allowing only the congressional leadership access to the relevant documents, but GOP leaders rejected the offer as inadequate.

Source URL: https://www.armscontrol.org/act/2000_10/gorechern