

FOIA MARKER

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Folder Title: Somalia, 1993 [3]				
Staff Office-Individual: Counselor's Office-Schifter, Richard				
Original OA/ID Number: 681				
Row: 30	Section: 4	Shelf: 10	Position: 3	Stack: V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Richard Schifter to Samuel Berger, re: Judicial Program for Somalia (2 pages)	09/29/1993	P1/b(1)
002a. memo	[Duplicate of 001] (2 pages)	09/29/1993	P1/b(1)
002b. memo	[Duplicate of 001] (2 pages)	09/29/1993	P1/b(1)
002c. memo	[Duplicate of 001] (2 pages)	09/29/1993	P1/b(1)
003. cable	Re: Friends of Somalia Meeting (1 page)	09/08/1993	P1/b(1)
004. memo	[Draft of 005] (3 pages)	08/31/1993	P1/b(1)
005. paper	Background Paper, re: Somalia (4 pages)	09/01/1993	P1/b(1)
006. paper	Background Paper, re: Somalia (3 pages)	09/01/1993	P1/b(1)
007. draft	[Draft of 005] (4 pages)	09/01/1993	P1/b(1)
008. report	Re: [Somalia] (4 pages)	08/30/1993	P1/b(1)
009. draft	[Draft of 005] (4 pages)	08/31/1993	P1/b(1)
010. memo	Richard Schifter to Anthony Lake, re: Miscellaneous (1 page)	08/23/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F

kc4105

RESTRICTION CODES

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

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) 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.

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. memo	James Bishop to Mr. Moose, re: U.S. Policy on Somalia (3 pages)	07/13/1993	P1/b(1)
012. memo	James Bishop to Mr. Wisner, re: Re-establishment of a Somali State (5 pages)	12/23/1992	P1/b(1)
013. paper	Summary of Conclusions of the Somalia Working Group's Teleconference (2 pages)	09/01/1993	P1/b(1)
014. paper	Agenda for Somalia Working Group SVTS Tele-Conference (3 pages)	09/01/1993	P1/b(1)

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**AMENDMENT TO H.R. 2401, AS REPORTED
OFFERED BY MR. GILMAN OF NEW YORK**

At the end of title X (page __, after line __) add
the following:

**1 SEC. __. PROHIBITION ON THE USE OF FUNDS FOR UNITED
2 STATES MILITARY OPERATIONS IN SOMALIA.**

3 (a) PROHIBITION.—Funds authorized to be appro-
4 priated by this or any other Act, or appropriated by any
5 Act, may not be obligated or expended for United States
6 military operations in or over Somalia after December 31,
7 1993, unless the President transmits to the Congress a
8 certification pursuant to subsection (b), along with a writ-
9 ten justification for such certification.

10 (b) CERTIFICATION.—The prohibition of subsection
11 (a) shall not apply if the President certifies to the Con-
12 gress that—

13 (1) the temporary deployment of United States
14 Armed Forces into or over Somalia is necessary in
15 order to evacuate United States citizens, inter-
16 national relief workers, or United Nations personnel
17 or peacekeeping forces from a situation of imminent
18 danger; or

1 (2) the continued deployment, introduction, or
2 reintroduction of United States Armed Forces into
3 or over Somalia is vital to the national security in-
4 terests of the United States.

5 (c) DEFINITION.—As used in this section, the term
6 “United States military operations in or over Somalia”
7 means the continued deployment, introduction, or reintro-
8 duction of United States Armed Forces into the territory,
9 airspace or waters of Somalia while equipped for combat,
10 irrespective of whether those Armed Forces are under
11 United States command.

**AMENDMENT TO H.R. 2401, AS REPORTED
OFFERED BY MR. GILMAN OF NEW YORK**

At the end of title X (page __, after line __) add
the following:

**1 SEC. __. WITHDRAWAL OF UNITED STATES ARMED FORCES
2 FROM SOMALIA.**

3 It is the sense of Congress that all United States
4 Armed Forces should be withdrawn from Somalia as
5 quickly as the functions of such Armed Forces can be as-
6 sumed by United Nations personnel and peacekeeping
7 forces from other countries, and that in any event such
8 withdrawal should be completed no later than December
9 31, 1993.

*Exact language as appears
in Congressional Record
attached*

Byrd, Mitchell, Dole, Nunn, et al

Sense of Congress regarding United States Policy towards Somalia.

Whereas United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

Whereas the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

Statement of Congressional Policy:

- a) Consultation with the Congress. - The President should consult closely with the Congress regarding U.S. policy with respect to Somalia, including in particular the deployment of U.S. armed forces in that country, whether under United Nations or United States command.
- b) Planning. - The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.
- c) Reporting Requirement. -
 - (i) The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a description of the mission, command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.
 - (ii) Such report shall include the status of planning to transfer the functions contained in paragraph (b).
- d) Congressional Approval. - Upon reporting under the requirements of paragraph (c) Congress believes the President should by November 15, 1993, seek and receive Congressional authorization for the continued deployment of U.S. forces to Somalia.

The PRESIDING OFFICER. The Senator should be advised that, because the Senator has not yet submitted his amendment, the time, in fact, has not been counted at this point.

Does the Senator intend for his time used to be part of the agreement?

Mr. BYRD. No.

I thank the Chair for correctly stating the situation. I do not intend to take advantage of that fact, but I will have a little time left in case I need some.

AMENDMENT NO. 790 TO AMENDMENT NO. 782, AS MODIFIED

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of myself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. McCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. COCHRAN, and Mr. KERRY; and I ask unanimous consent that any other Senators who wish to add their names after they hear the reading of the amendment or listen to any further debate may be allowed to do so to join as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself, Mr. MITCHELL, Mr. DOLE, Mr. NUNN, Mr. McCAIN, Mr. LEVIN, Mr. COHEN, Mr. WARNER, Mr. COCHRAN, and Mr. KERRY, proposes an amendment numbered 790 to amendment No. 782, as modified.

In the amendment, strike all after line 4, page 1, and insert:

Sense of Congress regarding United States Policy towards Somalia.

Since United States Armed Forces made significant contributions under Operation Restore Hope towards the establishment of a secure environment for humanitarian relief operations and restoration of peace in the region to end the humanitarian disaster that had claimed more than 300,000 lives.

Since the mission of United States forces in support of the United Nations appears to be evolving from the establishment of "a secure environment for humanitarian relief operations," as set out in United Nations Security Council Resolution 794 of December 3, 1992, to one of internal security and nation building.

Statement of Congressional Policy:

(a) CONSULTATION WITH THE CONGRESS.—The President should consult closely with the Congress regarding U.S. policy with respect to Somalia, including in particular the deployment of U.S. armed forces in that country, whether under United Nations or United States command.

(b) PLANNING.—The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.

(c) REPORTING REQUIREMENT.—

(1) The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a description of the mission; command arrangements, size, functions, location, and anticipated duration in Somalia of those forces are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

(11) Such report shall include the status of planning to transfer the functions contained in paragraph (b).

(d) CONGRESSIONAL APPROVAL.—Upon reporting under the requirements of paragraph (c) Congress believes the President should by November 15, 1993, seek and receive Congress-

sional authorization in order for the deployment of U.S. forces to Somalia to continue.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

The Senator from Arizona is assuming the time of the minority leader.

Mr. McCAIN. Yes.

Mr. President I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. McCAIN. Mr. President, this is a very important amendment, perhaps one of the most important actions that this body had debated in some years.

I realize that it is a sense-of-the-Senate resolution. At the same time, I believe that we all understand that this resolution establishes, in effect, a date certain for a vote on the commitment of United States forces to Somalia.

Let me repeat, Mr. President, in voting on this amendment, we should all understand that the Congress of the United States expects the President to present a plan for shaping U.S. withdrawal. We should understand that it sets a date for a vote on that plan and it establishes, in effect, a date certain for a vote on the commitment of United States forces in Somalia.

Mr. President, a date certain is necessary for many reasons. First, we should not commit U.S. forces to any military mission in the post-cold-war era without a national consensus, and this can only come from congressional review of such a commitment.

Second, we must be extraordinarily careful in submitting U.S. forces to U.N. command, or any foreign command, especially when the objective of the United Nations may not be our objective and the U.N. command may have uncertain organizational effectiveness.

Third, I think we all realize that we have drifted from the use of force to secure humanitarian relief to an open-ended effort at peace enforcement and nation building.

Mr. President, the consequences of this drift into has never been made more clear than by the tragic news we have heard tonight. Peacekeepers came under fire from heavy weapons, and were trying to withdraw, when women and children joined on the attack where someone was using grenades and small arms. According to the U.N. spokesman:

the women and children were combatants. "When the helicopters came in they shot at the gunmen behind the walls, and the women and children who were actively engaged as combatants as well. Whoever was behind the walls was shot at."

The spokesman went on to say that he had no information on the number of Somalis killed or wounded, but told reporters, "What I am acknowledging is that if you go out there tomorrow, you may find some women and children casualties."

Mr. President, we went to Somalia to keep people from starving to death.

Now we are killing women and children because they are combatants.

This has to stop. It has to stop, and it has to stop soon. And the orderly way to stop it is for the President to present a plan for shaping U.S. withdrawal, set a date for that plan, and have the Congress of the United States either endorse or reject such proposal.

Our mission in Somalia has changed because the President decided, without seeking the approval of Congress, to expand it. He expanded it to include, as Ambassador Albright outlined, disarming, retraining, and reemployment of combatants, establishing democratic institutions, and stopping those who disrupt the peace.

When were there democratic institutions in Somalia? When was there peace? When was the population unarmed? When were clan politics peaceful? Our servicemen are increasingly involved in a region of the world where there is no compelling U.S. interest, where they serve under foreign command, and where they have been given no clear mission or objective.

We have also taken sides in a dispute among the two leaders of one major clan in Somalia, the clan located around the capital. We have become engaged in a warlord hunt. We are hunting down General Aided.

I fear that in the process, we are making a very serious mistake in Somalia, and one that is eerily reminiscent of Lebanon. It is the mistake of failing to recognize the limits of American power. It is easy to talk about quelling violence, disarming warlords, and establishing effective police forces. It is far from clear, however, that anyone in the administration knows how to go about achieving any of these lofty objectives.

To date, the administration has done little more than indicate that it has to achieve these objectives by catching or killing General Aided. It has talked about clan elders, but these have never been a unifying force and they have not had any real power for two decades.

We have heard no word about Somaliiland, and the fact it has declared its independence and may be willing to fight for it. We have heard nothing about the threat from the Darod clan, and from General Morgan in the south.

We hear about Aided, but he is only one armed subclan leader in a nation where there are at least 11 major political factions headed by similar warlords and clan leaders. Catching Aided will resolve nothing when the entire country is armed and divided.

Somalia is filled with heavily armed warlords. It has no other politics, and U.N. and U.S. efforts to broker the rival interests of these clans with military forces are extremely dangerous. We simply cannot make military commitments in this way.

We also need to recognize that the United Nations is not a magic solution to anything. It is not a way of abrogating our responsibilities or achieving

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6958

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

September 15, 1993

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: RICHARD SCHIFTER *RS*

SUBJECT: Somalia

*Dick -
Sounds good.
Keep Dick Clarke
informed.
[Signature]*

Regarding your notes on the proposed judicial project: we need to balance two requirements. On one hand, we need to make sure that the project gets off the ground quickly, is run efficiently, can command adequate resources, and helps answer questions about our involvement in Somalia which have been posed by Congress and the general public. On the other hand, we don't want to make it an all-American show.

To meet both of these requirements, I believe we should get a prominent U.S. judge, preferably a black judge, to act as coordinator and an African Executive Director. The coordinator, headquartered in the U.S., should work with the UN, AID, Congress and the U.S. legal community in mobilizing resources, including volunteer support. The Executive Director will run the program in Mogadishu. - The reasons for our involvement are (1) AID is funding the effort, (2) only with U.S. involvement will the project move quickly, (3) only the U.S. is likely to furnish volunteer support, and (4) high-profile U.S. involvement in this constructive enterprise will help garner support for our policy.

Let me know whether you agree.

I shall join you with Admiral Howe.

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By VDE NARA, Date 12/08/16

2012-0659-F

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

CONFIDENTIAL

CONFIDENTIAL

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NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

DECLASSIFIED E.O. 13526

6890

White House Guidelines,

September 11, 2006

By KDE NARA, Date 12/15/16 September 13, 1993

0012-0659-F

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: RICHARD SCHIFTER *RS*

SUBJECT: Somalia

*ack 9/14
Howe is coming
in, I believe
Monday. Let's
meet with him
on this.
ASB*

I met today with Judge Leon Higginbotham to discuss the possibility of his taking responsibility for the proposed judicial program in Somalia. He is very much interested in taking on the task. However, there are a number of obstacles which it may not be possible to overcome. In that case he will be of help in finding someone else to play the lead role. The person he has in mind is a Judge on the 6th Circuit, who is also black. Leon said he will try to get back to me by Wednesday.

I have discussed all this with Rick Inderfurth. He tells me that the idea of a coordinator for the judicial program has been floated with Admiral Howe, who likes it very much. Howe will be in town soon and I shall arrange to meet with him.

My concept of the general outlines of the judicial project is the following: the coordinator takes responsibility for developing the outlines of the program, recruiting the initial staff of about a half dozen professionals and of explaining our effort to the U.S. public and to the Congress. An Executive Director will be placed in Somalia, working directly with Admiral Howe. The staff will consist of members of the U.S. bench and bar, as well as judges and lawyers from Anglophone Africa and from Europe. They will take responsibility for (a) analysis of existing Somali codes and proposing revisions thereof, (b) reviewing the record of performance of Somali judges who served heretofore and determining whether they are qualified to continue, as well as recruitment of new judges, (c) training of judges, (d) examination of court house facilities and, where necessary, institution of programs to repair these facilities, and (e) organization of supporting services for the courts.

*I think we
have to be
careful that
this not
be perceived
as a
US judicial
system in
Somalia.*

I have run these ideas past Rick Inderfurth and David Shinn. They like them. We have reached an understanding that I would be working on this matter through Rick.

*Should
be non-
American?
African?*

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

Rec'd 9/13 7:15pm

JWR
9/14

National Security Council
The White House

PROOFED BY: W LOG # 6890

URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT

BYPASSED WW DESK: _____ DOCLOG FX A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
<u>W</u> DepExecSec	<u>1</u>	<u>Walt</u>	
ExecSec			
Staff Director			
D/APNSA	<u>2</u>	Deputy Natl Sec Advisor	
APNSA	<u>3</u>	<u>has seen</u> <u>copy provided</u>	
Situation Room			
West Wing Desk	<u>4</u>		<u>N</u>
NSC Secretariat			
SCHIFTER	<u>5</u>		<u>FFA</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

9/14 please return cc: NS, WI
to Amb Schifter

DISPATCH INSTRUCTIONS:

~~CONFIDENTIAL~~

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

6890

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By YDE NARA, Date 2/28/16 September 13, 1993

2612-0689-F

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: RICHARD SCHIFTER *RS*

SUBJECT: Somalia

I met today with Judge Leon Higginbotham to discuss the possibility of his taking responsibility for the proposed judicial program in Somalia. He is very much interested in taking on the task. However, there are a number of obstacles which it may not be possible to overcome. In that case he will be of help in finding someone else to play the lead role. The person he has in mind is a Judge on the 6th Circuit, who is also black. Leon said he will try to get back to me by Wednesday.

I have discussed all this with Rick Inderfurth. He tells me that the idea of a coordinator for the judicial program has been floated with Admiral Howe, who likes it very much. Howe will be in town soon and I shall arrange to meet with him.

My concept of the general outlines of the judicial project is the following: the coordinator takes responsibility for developing the outlines of the program, recruiting the initial staff of about a half dozen professionals and of explaining our effort to the U.S. public and to the Congress. An Executive Director will be placed in Somalia, working directly with Admiral Howe. The staff will consist of members of the U.S. bench and bar, as well as judges and lawyers from Anglophone Africa and from Europe. They will take responsibility for (a) analysis of existing Somali codes and proposing revisions thereof, (b) reviewing the record of performance of Somali judges who served heretofore and determining whether they are qualified to continue, as well as recruitment of new judges, (c) training of judges, (d) examination of court house facilities and, where necessary, institution of programs to repair these facilities, and (e) organization of supporting services for the courts.

I have run these ideas past Rick Inderfurth and David Shinn. They like them. We have reached an understanding that I would be working on this matter through Rick.

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Declassify on: OADR

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9/14
Howe is coming in, I believe Monday. Let's meet with him on this.
ABP

I think we have to be careful that this not be perceived by Somalis as a US Judicial system in Somalia. Shoulda coordinator and/or Sudan American? African?

2/26317
English
Page 30

Appendix

United Nations Operation in Somalia (UNOSOM)

Summary of financial implications for one year of operation
(May 1993-April 1994)

(In thousands of United States dollars)

	<u>Main expenditure group</u>	<u>Police</u>	<u>Judicial</u>	<u>Prison</u>	<u>Total</u>
1.	Personnel costs (compensation to Somali personnel)	16 848	1 644	1 048	19 537
2.	Renovation of premises	380	355	400	1 108
3.	Supplies, services and equipment	736	850	40	1 628
4.	Uniforms	1 500	-	200	1 700
5.	Vehicle operation	11 897	479	188	14 019
6.	Communications equipment	440	-	-	440
7.	Weapons	3 000	-	96	3 096
8.	Training	<u>3 540</u>	<u>68</u>	<u>-</u>	<u>3 608</u>
	Projected (gross) requirements	<u>39 465</u>	<u>3 496</u>	<u>2 162</u>	<u>45 123</u>

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S/26317
English
Page 27

48. United Nations agencies and non-governmental organizations (NGOs) will be requested to provide food for prisoners.
49. UNOSOM will supply an appropriate number of weapons for prison staff.
50. Upon request, UNOSOM military will back up external security when required.
51. IMNAMM prison advisers will give legal, penal and human rights assistance to prison officials located in their zones.
52. UNOSOM will ask the International Committee of the Red Cross (ICRC), United Nations agencies (e.g. the World Health Organisation) and NGOs (such as Amnesty International), to monitor conditions in the prisons and any human rights violations.

D. Investigation of violations of international humanitarian law

1. Objectives

53. In order further to meet the requirements of Security Council resolution 814 (1993), UNOSOM will establish an Office of Human Rights to "investigate and facilitate prosecution of serious violations of international humanitarian law".
54. By 15 August 1993, the UNOSOM Office of Human Rights will be staffed by a six-person investigation team from Member States and will, among other things, assist in the establishment of a local Somali human rights committee.
55. At its forty-ninth session, in February-March 1993, the Commission on Human Rights of the United Nations recommended, and the Economic and Social Council, on 28 July 1993, approved, the appointment of an Independent Expert on Human Rights for Somalia. In addition to the Independent Expert's specific human rights function, the Expert could act as Ombudsman for police, judicial and prison issues.
56. By the end of 1993, ongoing investigations possibly will lead to the apprehension of several suspects in several major human rights cases. International justices will conduct trials in these human rights violation cases if Somali justices decline to hear cases as a result of threats or intimidation.

2. Strategy

57. The Security Council, in its resolution 814 (1993) enjoins UNOSOM to assist in the "restoration of peace, stability, law and order, including investigation and facilitating the prosecution of serious violations".
58. UNOSOM will establish a team of international specialists which will investigate, in cooperation with the Somali police, human rights violations committed against the Somali people, as well as against international assistance workers. Such violations include mass murders of Somali citizens, murder, attempted murder and threats of bodily harm against international assistance workers and UNOSOM employees.

S/26317
English
Page 28

59. UNOSOM will establish a central registry of murders, attempted murders, threats to security and crimes against property. The registry will maintain investigation files on each case.

60. UNOSOM will establish a property claims investigation team to deal with crimes involving: theft of money, looting and destruction of United Nations agencies, the offices and warehouses of NGOs; looting and destruction of all Government buildings, infrastructure, vehicles and other assets; looting and destruction of diplomatic missions. The team will decide whether a reported property crime comes under its jurisdiction. All property crimes not under the jurisdiction of the team will be directed to the Somali police for investigation.

61. UNOSOM will encourage the Transitional National Council to establish a property claims division as a special division of the regular Somali court system to deal with crimes against property committed from 26 January 1991 to the present. This division of the court should have the authority to punish perpetrators of property crimes in accordance with applicable Somali laws and should be enabled to order restitution of property, or payment of damages, or both. This initiative will build on the work accomplished by the committee for the peaceful resolution of property disputes.

62. UNOSOM will encourage international human rights groups to assist human rights organizations with human and financial resources.

63. The estimated one-year cost of establishing an internationally staffed office for investigation and facilitating prosecution of serious violations of humanitarian law is estimated at \$2,322,000. This office will be staffed under the peace-keeping budget and from international volunteers.

III. FINANCIAL ASPECTS

64. The total cost of direct support of the re-establishment of the Somali justice system is estimated at \$45,130,000 for the first year (see appendix). It needs to be emphasized that this is considered the minimum amount required to start the Somali justice system going so that it may take over as soon as possible from UNOSOM the function of maintaining law and order. If nations donate actual equipment, budget requirements will be reduced. When I submitted the addendum to my last report (S/25354/Add.1), a detailed assessment of the extent of the disintegration of the Somali justice system and the destruction of its infrastructures had not been made. At that time, I proposed a figure of \$8,900,000 needed just to continue the support of the 3,000-person Auxiliary Police Force to be inherited from UNITAF.

65. To implement this programme, UNOSOM will have international police management and advisory staff at UNOSOM headquarters, zone, sub-zone and district levels to ensure daily contact with Somali police down to the station level. UNOSOM will also have the required international expertise to assist the Somalis to re-establish their judiciary and prison systems and to investigate serious violations of international humanitarian law. I estimate that the international staff needed for this undertaking will cost \$10,308,000 per annum. These positions will be funded under the peace-keeping budget.

5/26317
English
Page 29

66. In my previous report (S/25354, para. 89), I indicated my intention to maintain the United Nations fund for operations in Somalia authorized by the Security Council in paragraph 11 of its resolution 794 (1992). I am gratified to learn that there are a number of countries preparing to make further voluntary contributions to this fund or contributions in kind (Egypt, Germany, Netherlands and Norway). The amounts pledged may not, however, be sufficient to cover the costs of the re-establishment of the Somali justice system and the costs of international staff to provide the required assistance. In that event, I will not hesitate to recommend alternative financing arrangements to meet the shortfall.

67. Member States could contribute funding, equipment or training on either a nationwide or regional basis. If contributions are provided on a regional basis, UNOSOM would provide guidance to ensure inter-operability of equipment and to ensure a logical proportional balance of equipment and training based on the needs of the regions.

IV. OBSERVATIONS

68. The overwhelming desire of the Somali people for the restoration of peace and law and order to their country and the eagerness of members of the former Somali police force and Custodial Corps, magistrates and judges who have resurfaced and offered their services to restore and re-establish their justice system have convinced me that the Somalis will respond positively and constructively to the assistance extended by the international community.

69. Successful police and justice systems in Somalia will cut the cost of peace-keeping operations as fewer military forces will be required to maintain security. In addition, with required basic infrastructures of the whole justice system rebuilt during the first year, significantly lower financial resources should be required during the second year to bring the system back to a level capable of maintaining internal security throughout the entire country.

70. The objectives of the UNOSOM humanitarian programme include assisting in the regeneration of the Somali economy and the re-establishment of its public finance system. There are indications that the Somali economy, at least the agriculture, livestock and lands sectors, have been relatively resilient in withstanding the civil war. It is expected, therefore, that the transitional national authority and regional authorities will be in a position to finance their newly re-established justice system as soon as their public finance system is restructured. It should be noted that the north-east region is financing its police force at a modest level substantially through revenue from the Beedasso port.

71. The full maintenance of internal security by the Somalis themselves would not only enable them to embark on their own rehabilitation, reconstruction and development process but, as I indicated in my previous report (S/25354, para. 86), would also render a substantial United Nations military presence no longer necessary. This modest expenditure to re-establish the Somali justice system would therefore enable a rapid reduction in the relatively large UNOSOM military expenditures. I consider, therefore, that this expenditure for the justice system is cost-effective.

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8/26317
English
Page 24

those forces with salaries and equipment, but will require that militia undergo, in a timely fashion, basic police and human rights training. Police officers must renounce loyalty to political and paramilitary forces and take an oath to the objectives and goals of the new Somali National Police Force and to serve the Somali people and nation.

25. To increase the strength of the police to 10,000 throughout Somalia by December 1994, UNOSOM will start a new recruitment programme, as soon as the training facilities and the trainers are available, using as a minimum the following criteria. Recruits must:

- (a) Be between 18 and 25 years of age;
- (b) Not have committed any crime against the Somali people;
- (c) Have no physical disability;
- (d) Have a certain level of literacy;
- (e) Be selected by the local chief of police, recommended by community leaders and in consultation with the UNOSOM regional military commander, where applicable;
- (f) Be selected in such a way as to ensure a proportional balance of clan representation.

26. UNOSOM will evaluate, region by region, the need to organize and train mobile quick reaction forces. This type of force can be used to assist in rural area bandit apprehension, disarmament operations under the supervision of the UNOSOM military and other quick reaction missions. Where there is a need for a regional mobile quick reaction force, the force would be under the operational control of the UNOSOM regional international police adviser and the UNOSOM military commander.

27. Taking into account the security environment of each region, UNOSOM military and police advisers will determine on a station-by-station basis, the number of weapons that will be provided to each police station.

28. Initially, UNOSOM will provide modest salaries, undertake limited renovation of police facilities, provide basic transportation and communications equipment, conduct basic police training and provide some specialized training. The salary scale must be sustainable by revenues generated by the future Somali Government.

B. Judicial system

1. Objectives

29. By 31 October 1993, an interim three-tier judicial system will be in place. The 1962 Criminal Procedure and Penal Codes will be enforced. Initially, judges and magistrates for the system will be compensated modestly by UNOSOM and encouraged to consider this involvement as a civic responsibility. Court r

8/26317
English
Page 25

and administrative workspace will be renovated and office equipment will be furnished for each court.

30. By 31 March 1995, the Transitional National Council will have determined the type of judicial system and laws of the country. The interim judicial system will be adjusted to accommodate the system called for by the Transitional National Council.

2. Strategy

31. After the Transitional National Council is formed, it will be asked by UNOSOM to take an early decision on the structure and organisation of the judiciary and the applicable laws, both civil and criminal, throughout Somalia.

32. Since 4 May 1993, the 1962 Somali Criminal Procedure Code and Penal Code continue in force in areas where there exists a functioning judicial system. Consistent with the decision of the Borama Conference, the Indian Penal Code and Criminal Procedure Code, which was in use in the north-west prior to 1960, will be in force in that region.

33. The interim judicial system will be modelled on the 1962 court system and will have three levels: courts of appeal, regional courts and district courts. District courts are to hear civil and criminal cases where conviction would result in imprisonment for less than 10 years. Regional courts are to review cases from district courts and are to have original jurisdiction over criminal cases in which conviction would result in imprisonment for three years or more.

34. In Mogadishu a Judicial Selection Committee made up of 13 respected Somalis and advised by UNOSOM Justice Division officials will select judges and registrars for the court system in the city and will oversee issues of ethics and discipline in the judiciary. Similar councils will be formed in other regions of Somalia for the selection of judges and magistrates.

35. Should Somali judges be threatened or intimidated and therefore either refuse to adjudicate particular cases or are pressured into issuing decisions not based on legal grounds, UNOSOM will consider, after consultation with the Judicial Selection Committee, a programme whereby consideration may be given to foreign judges being asked to serve in selected courts. (It should be noted that foreign judges did serve in the Somali court system in the 1960s and foreign judges are serving in some East African countries today.) Upon request, UNOSOM military forces will provide security for judicial proceedings until Somali police forces are able to provide the required security.

36. A probable-cause hearing must be held within 48 hours of detention, unless there is no magistrate within a reasonable distance. The hearing will take place as soon as possible, depending on the location of magistrates and their schedules.

37. UNOSOM will have civilian judicial advisers assigned to provide advice and assistance in the re-establishment of the interim Somali judicial system.

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S/26317
English
Page 26

38. As required by the UNOSOM mandate from the Security Council, UNOSOM police and judicial advisers will assist the Somali justice system in investigating allegations of serious criminal violations, including "crimes against the Somali people", and in facilitating the prosecution of criminals.

39. When security conditions require and until appropriate Somali prisons are renovated, UNOSOM will assist in maintaining a detention facility for persons whose security cannot be guaranteed in existing confinement facilities. United Nations standards on human rights will be respected in these facilities.

40. UNOSOM, with the assistance of the Police Institute and an appropriate university training faculty, will fund a judicial training or review programme for judges and magistrates and a court administration training programme for administrative staff.

41. UNOSOM will fund modest renovation of court facilities, provide limited equipment and supplies, training and modest salaries for judges and court administrative personnel.

C. Prison system

1. Objectives

42. By 31 October 1993, basic renovation of the prison facilities in Mogadishu and Hargeisa will have been completed, salaries paid and food for prisoners supplied. UNOSOM advisers will provide advice and supervision to detention facilities and prisons.

43. By 31 March 1994, if necessary, other prisons will have been re-established in other areas, including Bossaso and Kismayo.

2. Strategy

44. Humane treatment of prisoners is of the utmost concern.

45. UNOSOM will rehabilitate prison facilities in Mogadishu and Hargeisa and a juvenile detention centre in Mogadishu.

46. UNOSOM will employ members of the old Custodial Corps to manage the prisons. Initially, UNOSOM/international donors will pay salaries for 1,000 members of the Custodial Corps: 400 in Mogadishu, 200 in Hargeisa, 200 in Bossaso and 200 in Kismayo. Salary levels will be calculated so they can be sustained by local revenues following UNOSOM's departure.

47. Custodial Corps personnel must fulfil the following conditions:

- (a) Have had two years' custodial experience prior to 26 January 1991;
- (b) Have committed no crime against the Somali people;
- (c) Have been vetted by senior Custodial Corps personnel.

DATE: 11/13

NAME: [illegible]

OFFICE: NSC

[illegible]

NAME: Mrs Bishop

OFFICE: Hq

REFERENCE: 647-1180

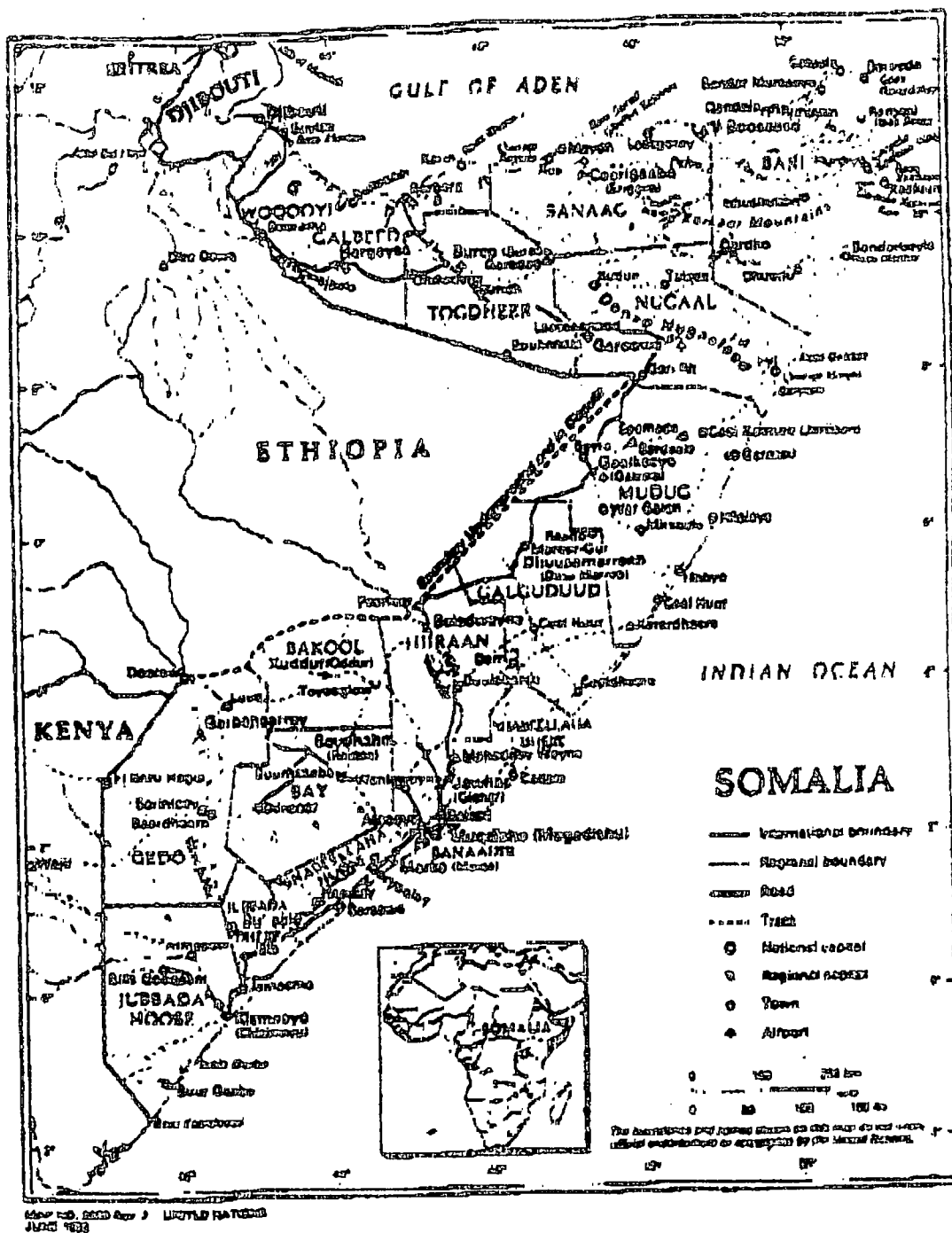
COMMENTS:

PLEASE ACKNOWLEDGE RECEIPT OF THIS MESSAGE: NO YES

2/25/17

2nd Edition

Page 2.



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8/28/87
English
Page 22

395-7366

serious violations of international humanitarian law will require a special approach, perhaps using international investigative staff and justices.

II. PROPOSED UNOSOM STRATEGY

A. Police

1. Objectives

15. The attainment of the overall objective of UNOSOM with regard to the establishment of a national neutral police force must be approached through a framework comprising three tiers - national, regional and district - with police forces being answerable to appropriate local authorities in each tier. In the light of the fact that at the moment only at the district level have local authorities been established, i.e. district councils, implementation of the overall objective must, therefore, begin at that level and expand to the regional and national levels, involving ultimately the Transitional National Council when established. UNOSOM's role in this endeavour must remain that of a facilitator.

16. Expansion of the 8,000-person police force composed of former policemen into a force of 10,000 can be accomplished by bringing into the UNOSOM programme approximately 1,500 police operating in the north-east and approximately 1,500 police operating in the north-west. The police in these regions would need immediate on-station, in-service police training. Additionally, 2,000 persons would be recruited country-wide and undergo basic training in groups of 400. If training begins in October 1993, 5 cycles of 400 recruits in each cycle will produce 2,000 new policemen by December 1994.

17. The number of police required to perform law enforcement and security duties is a matter of continuing assessment. To develop an 10,000-person-strong police force (the number of police prior to the civil war) that can assume law enforcement and security duties by March 1995 (the currently projected time for completing the UNOSOM mandate), existing police units must be expanded and police forces developed in the smaller population centres throughout the country. While former policemen (approximately 3,000) will provide the foundation for this expansion, the police recruit training process also can help to reintegrate carefully selected ex-militia into Somali society by providing them with professional employment and discipline. The ex-militia would take a loyalty oath to Somalia and would be carefully observed during their training to ensure that factional loyalty is eliminated. An estimated 4,000 to 8,000 more recruits could be trained as policemen by December 1994 if two additional training academies are made available through international donor programmes.

18. A national police structure could be in place if the Transitional Council so decides. Pending the establishment of the national structure, police will be organized and operationally controlled on a regional and local basis. The governmental authority could request that international police advisors continue their service, if needed.

PHOTOCOPY PRESERVATION

3/25317
English
Page 23

2. Strategy

19. Until a Somali governmental structure is established, the police force(s) will be under the operational control of the regional and district councils. An international police component of UNOSOM will provide assistance to these entities in the discharge of their responsibilities and will provide advice and training to the police forces.

20. The regional police commanders will be assisted by international experts who will act as police advisers. Regional political and operational considerations will determine if UNOSOM will appoint a national police chief for the interim report.

21. During this period, close coordination and cooperation between the UNOSOM military and Somali police is critical in ensuring comprehensive and coordinated security policies and operations. However, upon the arrival of the full complement of international police advisers, UNOSOM military forces will end their control of police activities. Nonetheless, close policy and operational coordination will be maintained between the police advisers, UNOSOM military and the Somali police.

22. A police training academy/institute will be created and organized with the assistance of international police advisers. The police institute will begin its first basic police courses in October 1993. Refresher courses for serving police officers will be carried out throughout the country by mobile training teams. The institute will train 400 recruits per cycle in a three-month basic police training programme, thereby meeting the recruit training objective of 2,000 which will increase the police force to 10,000 by December 1994. Recruitment will be proportional among clans on a regional basis and the clan balance will be maintained throughout all phases of recruitment.

23. Additionally, the institute will maintain a police personnel evaluation centre and a police documentation centre, which will be available to the entire police force. Training programmes will be provided to basic, intermediate and supervisory police personnel. The institute also will provide instruction for magistrates and custodial corps personnel.

24. In providing assistance, UNOSOM will build on the Auxiliary Security Force initiated by the Unified Task Force (UNITAF) as the foundation of the UNOSOM-supervised Somali police force. UNOSOM will, however, conduct a review of members of the Auxiliary Security Force to determine if they meet the following requirements:

- (a) Two years' prior experience before 26 January 1991 with the former Somali Police Force;
- (b) No crimes committed against the Somali people;
- (c) No physical disability, with rare exceptions.

Those who do not meet the requirements will not be retained in the police force. Special care will be taken to retain the most competent. Where militias have been the foundation of existing police forces, UNOSOM will consider supporting

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Department of State Guidelines,
September 11, 2006

PAGE 01 OF 06

By KDE NARA, Date 2/15/16

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TO RUEHC/SECSTATE WASHDC IMMEDIATE 9501
INFO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
RUEHMG/USLO MOGADISHU IMMEDIATE 0304
RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEKJCS/CJCS WASHDC IMMEDIATE
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RUFHFR/AMEMBASSY PARIS PRIORITY 1408
RUFHOL/AMEMBASSY BONN PRIORITY 0759
RUEHKO/AMEMBASSY TOKYO PRIORITY 0729
RUEHMO/AMEMBASSY MOSCOW PRIORITY 1159
RUEHRO/AMEMBASSY ROME PRIORITY 0704
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WHITEHOUSE PASS TO NSC FOR CLARKE; JCS FOR BOWMAN;
OSD FOR SEWALL; STATE FOR SHINN
E.O. 12356: DECL: OADR
TAGS: PREL, MOPS, MARR, UNSC, SO
SUBJECT: SOMALIA DRAFT RESOLUTION
REF: A) STATE 273348, B) USUN 4317
1. ~~CONFIDENTIAL~~ - ENTIRE TEXT.
2. SUMMARY. THE DRAFT RESOLUTION IN REFTEL A WAS
PRESENTED TO THE PERM 5 ON THURSDAY, SEPT 9.
REACTION WAS POSITIVE, BUT THERE WAS CONSENSUS THAT
A POLITICAL STATEMENT WAS NEEDED AS PART OF THE
RESOLUTION. THE RESOLUTION HAS BEEN REDRAFTED WITH
INPUT OF THE FIVE. INTEND TO DISTRIBUTE THE
RESOLUTION TO COUNCIL MONDAY SEPT 13 TO HAVE IT
VOTED ON TUESDAY SEPT 14. END SUMMARY.

9/12 Dick Shifley
Ne! Police/Judiciary
srtr

~~CONFIDENTIAL~~

IMMEDIATE

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PAGE 02 OF 06

3. AT A MEETING OF THE PERM 5 ON THURSDAY, SEPT 9 USUN DISTRIBUTED THE DRAFT RESOLUTION IN REFTEL A. THE REACTION OF THE OTHER PERMANENT MEMBERS WAS UNIVERSALLY ENTHUSIASTIC. HOWEVER, IT WAS IMMEDIATELY CLEAR THAT THE OTHER MEMBERS WANTED A BROADER RESOLUTION STRESSING THE POLITICAL GOALS OF UNOSOM. (THIS WAS CONSISTENT WITH THE OPINIONS EXPRESSED IN THE 'FRIENDS OF SOMALIA.' REFTEL B.) AS A RESULT OF THE PERM 5 MEETING, THE RESOLUTION WAS REDRAFTED TO BROADEN ITS SCOPE AND MAKE IT A STATEMENT OF THE IMPORTANCE OF POLITICAL EFFORTS IN SOMALIA.

4. THE INITIAL REACTIONS AT THE PERM 5 MEETING HAVE BEEN CONFIRMED WITH THEIR CAPITALS. BASED UPON THE INPUTS OF THE OTHERS OF THE 5, THE FOLLOWING DRAFT RESOLUTION HAS BEEN PREPARED. IT IS OUR INTENTION TO DISTRIBUTE THIS DRAFT TO THE OTHER MEMBERS OF THE SECURITY COUNCIL ON MONDAY MORNING, AND PUT IT IN BLUE MONDAY AFTERNOON. A VOTE ON THE RESOLUTION WOULD BE HELD ON TUESDAY, SEPT 14.

5. BEGIN TEXT:

THE SECURITY COUNCIL,

REAFFIRMING ITS RESOLUTIONS 733 (1992) OF 23

JANUARY 1992, 746 (1992) OF 17 MARCH 1992, 751

(1992) OF 24 APRIL 1992, 767 (1992) OF 27 JULY

1992, 755 (1992) OF 28 AUGUST 1992, 794 (1992) OF 3

DECEMBER 1992, 814 (1993) OF 26 MARCH 1993 AND 837

(1993) OF 6 JUNE 1993,

STRESSING THE COMMITMENT OF THE INTERNATIONAL COMMUNITY TO HELPING THE PEOPLE OF SOMALIA REGAIN A NORMAL, PEACEFUL LIFE,

NOTING WITH APPRECIATION THAT THE OVERALL SITUATION IN SOMALIA HAS UNDERGONE A MAJOR POSITIVE TRANSFORMATION,

RECOGNIZING THE CONTINUING NEED FOR BROADBASED CONSULTATIONS AND CONSENSUS ON BASIC PRINCIPLES TO

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IMMEDIATE

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PAGE 03 OF 06

ACHIEVE NATIONAL RECONCILIATION AND THE
ESTABLISHMENT OF REPRESENTATIVE DEMOCRATIC
INSTITUTIONS.

EMPHASIZING THE NEED FOR THE SOMALI PEOPLE,
INCLUDING MOVEMENTS AND FACTIONS, TO SHOW POLITICAL
WILL TO ACHIEVE RECONCILIATION.

RECOGNIZING THAT THE HIGHEST PRIORITY FOR UNOSOM IS
ITS ASSISTANCE TO THE POLITICAL RECONCILIATION
PROCESS TO ASSIST THE PEOPLE OF SOMALIA TO PROMOTE
AND ADVANCE THE RE-ESTABLISHMENT OF REGIONAL AND
NATIONAL INSTITUTIONS AND CIVIL ADMINISTRATION IN
THE ENTIRE COUNTRY.

RECALLING SECURITY COUNCIL RESOLUTION 814 OF 26
MARCH 1993, WHICH RECOGNIZED THE ESSENTIAL NATURE
OF RE-ESTABLISHMENT OF LOCAL AND REGIONAL
ADMINISTRATIVE INSTITUTIONS TO THE RESTORATION OF
DOMESTIC TRANQUILLITY,

NOTING WITH GREAT CONCERN THE CONTINUING REPORTS OF
VIOLENCE IN SOMALIA AND GENERAL ABSENCE OF THE RULE
OF LAW, AND RECALLING THE REQUEST TO THE

SECRETARY-GENERAL IN RESOLUTION 814 TO ASSIST IN

~~CONFIDENTIAL~~ SECTION 02 OF 03 USUN NEW YORK 004414

WHITEHOUSE PASS TO NSC FOR CLARKE; JCS FOR BOWMAN;

OSD FOR SEWALL; STATE FOR SHINN

E.O. 12356: DECL: OADR

TAGS: PREL, MOPS, MARR, UNSC, SO

SUBJECT: SOMALIA DRAFT RESOLUTION

THE RE-ESTABLISHMENT OF SOMALI POLICE AND THE
RESTORATION AND MAINTENANCE OF PEACE, STABILITY,
AND LAW AND ORDER,

CONVINCED THAT THE ESTABLISHMENT OF A POLICE,
JUDICIAL AND PENAL SYSTEM IN SOMALIA IS A CRITICAL
ASPECT OF INSTITUTION BUILDING,

GRAVELY CONCERNED AT THE CONTINUATION OF CRIMINAL
ARMED ATTACKS AGAINST THE PERSONNEL OF THE UNITED
NATIONS OPERATION IN SOMALIA (UNOSOM II), AND

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WHITE HOUSE SITUATION ROOM

PAGE 04 OF 06

RECALLING SECURITY COUNCIL RESOLUTION 814 WHICH EMPHASIZED THE FUNDAMENTAL IMPORTANCE OF A COMPREHENSIVE AND EFFECTIVE PROGRAM FOR DISARMING SOMALI PARTIES, INCLUDING MOVEMENTS AND FACTIONS,
 --1. WELCOMES THE REPORT OF THE SECRETARY GENERAL OF 17 AUGUST 1993 (S/26317) ON THE PROGRESS ACHIEVED IN ACCOMPLISHING THE OBJECTIVES SET OUT IN RESOLUTION 814 (1993);

--2. COMMENDS THE SECRETARY GENERAL, HIS SPECIAL REPRESENTATIVE, ADMIRAL HOWE, HIS DEPUTY SPECIAL REPRESENTATIVE AMBASSADOR KOUYATE AND THE PERSONNEL OF UNOSOM, FOR THEIR ACHIEVEMENTS IN GREATLY IMPROVING THE CONDITIONS OF THE SOMALI PEOPLE AND BEGINNING THE PROCESS OF NATION BUILDING APPARENT IN THE RESTORATION IN MUCH OF THE COUNTRY OF STABLE AND SECURE CONDITIONS IN STARK CONTRAST WITH THE PRIOR SUFFERING FROM INTER-CLAN CONFLICT;

2.BIS AFFIRMS THE IMPORTANCE IT ATTACHES TO THE SUCCESSFUL FULFILMENT OF UNOSOM'S OBJECTIVES OF FACILITATION OF HUMANITARIAN ASSISTANCE AND THE RESTORATION OF LAW AND ORDER, AND OF NATIONAL RECONCILIATION IN A FREE AND DEMOCRATIC SOMALIA;

--3. URGES THE SECRETARY-GENERAL TO RE-DOUBLE HIS EFFORTS AT THE LOCAL, REGIONAL AND NATIONAL LEVELS INCLUDING AND ENCOURAGING BROAD PARTICIPATION BY ALL SECTORS OF SOMALI SOCIETY, TO PROMOTE THE PROCESS OF POLITICAL SETTLEMENT AND NATIONAL RECONCILIATION AND TO ASSIST THE PEOPLE OF SOMALIA IN REHABILITATING THEIR POLITICAL INSTITUTIONS AND ECONOMY;

--4. CALLS ON ALL MEMBER STATES, AND REGIONAL ORGANIZATIONS, TO ASSIST, IN ALL WAYS POSSIBLE, THE SECRETARY GENERAL IN HIS EFFORTS TO RECONCILE THE PARTIES AND REBUILD SOMALI POLITICAL INSTITUTIONS;

4.BIS CONDEMNS ALL ATTACKS ON UNOSOM PERSONNEL AND REAFFIRMS THAT THOSE COMMITTING SUCH CRIMINAL ACTS

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WHITE HOUSE SITUATION ROOM

PAGE 05 OF 06

WILL BE HELD RESPONSIBLE FOR THEM:

--5. APPROVES THE RECOMMENDATIONS OF THE SECRETARY-GENERAL CONTAINED IN ANNEX I OF HIS REPORT OF 17 AUGUST 1993 (S/26317) RELATING TO THE RE-ESTABLISHMENT OF THE SOMALI POLICE, JUDICIAL AND PENAL SYSTEMS IN ACCORDANCE WITH RESOLUTION 814 OF 26 MARCH, 1993:

--6. REQUESTS THE SECRETARY-GENERAL TO TAKE THE NECESSARY STEPS ON AN URGENT BASIS TO IMPLEMENT HIS RECOMMENDATIONS IN ANNEX I:

--7. REQUESTS THE SECRETARY-GENERAL, AT THE EARLIEST POSSIBLE DATE, CONVENE A CONFERENCE OF MEMBER STATES INTERESTED IN SUPPORTING UNOSOM II ON THE DEVELOPMENT OF POLICE, JUDICIAL AND PENAL SYSTEMS, FOR THE PURPOSE OF DETERMINING SPECIFIC REQUIREMENTS AND IDENTIFYING SPECIFIC SOURCES OF SUPPORT:

--8. REQUESTS THE SECRETARY-GENERAL ACTIVELY UNDERTAKE AN INTERNATIONAL RECRUITING PROGRAM FOR STAFFING THE UNOSOM II JUSTICE DIVISION WITH POLICE, JUDICIAL AND PENAL SYSTEM;

~~CONFIDENTIAL~~ SECTION 03 OF 03 USUN NEW YORK 004414
WHITEHOUSE PASS TO NSC FOR CLARKE; JCS FOR BOWMAN;
OSD FOR SEWALL; STATE FOR SHINN

E.O. 12356: DECL: OADR

TAGS: PREL, MOPS, MARR, UNSC, SO

SUBJECT: SOMALIA DRAFT RESOLUTION

--9. COMMENDS THE SECRETARY GENERAL'S INTENTION TO MEET THE COSTS OF THE STEPS PROPOSED IN ANNEX I OF HIS REPORT (S/26317) FOR THE RE-ESTABLISHMENT OF THE SOMALI POLICE, JUDICIAL AND PENAL SYSTEMS, OTHER THAN THE COST OF INTERNATIONAL STAFF, FROM THE FUND ESTABLISHED PURSUANT TO RESOLUTION 794 (1992) AND MAINTAINED IN RESOLUTION 894 (1993);

--10. URGES MEMBER STATES, ON AN URGENT BASIS, TO CONTRIBUTE TO THAT FUND OR OTHERWISE TO PROVIDE

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WHITE HOUSE SITUATION ROOM

PAGE 06 OF 06

ASSISTANCE FOR THE RE-ESTABLISHMENT OF THE SOMALI
POLICE. JUDICIAL AND PENAL SYSTEMS INCLUDING
PERSONNEL. FINANCIAL SUPPORT. EQUIPMENT AND
TRAINING TO HELP ATTAIN THE OBJECTIVES OUTLINED IN
ANNEX 1.

-- 11. ENCOURAGES THE SECRETARY GENERAL TO TAKE THE
NECESSARY STEPS TO ENSURE CONTINUATION OF THE
CURRENT POLICE. JUDICIAL AND PENAL PROGRAMME FROM
OCTOBER THROUGH DECEMBER 1993 UNTIL ADDITIONAL
FUNDING FROM MEMBER STATES IS FORTHCOMING, AND TO
MAKE RECOMMENDATIONS AS APPROPRIATE TO THE GENERAL
ASSEMBLY:

-- 12. DECIDES TO REMAIN ACTIVELY SEIZED OF THE
MATTER. END TEXT.

6. FOLLOWING ADOPTION OF THIS RESOLUTION IN THE
COUNCIL. USUN WILL ENCOURAGE THE SECRETARY-GENERAL
TO MAKE INTENSIVE PUBLIC RELATIONS EFFORTS TO
HIGHLIGHT THE UN'S MANY ACCOMPLISHMENTS IN SOMALIA
PA

RTICULARLY IN THE AREA OF POLITICAL
RECONCILIATION. U/SYG GHAREKHAN HAS AGREED TO
APPEAR ON WORLD NET AS PART OF THIS PR EFFORT. ALSO
ADM HOWE'S DEPUTY, AMB KOUYATE WHO IS RESPONSIBLE
FOR POLITICAL RECONCILIATION MAY RETURN TO NEW YORK
FOR CONSULTATIONS AND PRESS AVAILABILITY.

MINIMIZE CONSIDERED.

ALBRIGHT

BT

#4414

NNNN

<MSGID> M0598676

~~CONFIDENTIAL~~

DRAFT

September ⁷2, 1993

SUBJECT: Somalia

After twenty-one years of dictatorial rule, President Siad Barre of Somalia was overthrown in January 1991. The groups responsible for deposing Siad Barre were unable to agree on the formation of a new government. As a result, Somalia, a country of more than 7 million people, sank into anarchy. Local warlords organized military bands, which occasionally fought against each other, but which, above all, plundered the civilian population. The country's fragile economy was progressively destroyed. As farmers fled the land, food production plummeted. Somalia's GNP dropped precipitously.

In November 1991 a truce negotiated between the two rival warlords in Mogadishu came apart. Subsequent fighting made it impossible for emergency food shipments to be distributed in the capital and in the countryside. It became evident that the disruption of food production and of food distribution would lead to mass starvation. People soon were dying by the thousands. By the end of 1992, the number of deaths from starvation in Somalia was to climb up to 500,000, about 7% of the country's total population.

The phenomenon of mass starvation resulting from dislocation caused by war or as the result of deliberate measures of warfare can be encountered frequently. But the conditions of Somalia in 1991 and 1992 were unusual for our time period, in that people were starving to death simply because warring tribal leaders and marauding thugs were preventing food from being produced and distributed. The basic fabric of human civilization was in the process of being destroyed in Somalia as the result of the creation of a state of utter lawlessness.

The situation in Somalia was uniquely suited for consideration by the United Nations Security Council. The country lacked any semblance of national government. No major power had a political or economic stake there. Thus, when the United Nations Security Council in early 1992 began to deal with the issue, it could deal with a humanitarian problem in its purest form. No one could argue that it was necessary to await an appeal from the government affected, because there was no government. For the same reason, no one could argue that this was a case of interference with the domestic concerns of a member government.

Recognizing that the humanitarian relief organizations were simply unable to perform the tasks which they had set themselves, unless they received military protection, the United Nations decided to provide such protection. In April 1992 the Security Council arranged for 500 soldiers to be dispatched to Somalia. The troops, supplied by Pakistan, began to arrive in Somalia in September 1992. But it turned out that they were too few in number and were not adequately equipped to provide the needed military shield for the distribution of food. The problem of mass starvation continued with approximately one thousand Somalis dying each day through the Summer and Fall of 1992.

These were the circumstances which caused President Bush in December 1992, to send United States troops into Somalia, to lead an international force authorized by the Security Council under Chapter VII of the United Nations Charter. Within a matter of weeks, they were able to establish sufficient security for the distribution of food supply throughout the country. As order was restored, the problem of mass starvation was brought to an end. Yet, recognizing that disarming all the military bands throughout the country was a well-nigh impossible task, the U.S. forces made no effort to disarm any of the bands beyond insisting that armed vehicles be garaged. It was hoped that mere intimidation would suffice to restore order.

The policy worked in most parts of Somalia. Tens of thousands of Somali farmers have returned to their farms. The 1993 crop is expected to meet most local food requirements. Some order has been restored to areas of the country in which about 85% of the people of Somalia reside. Efforts have begun to reconstitute government from the ground up, bringing all elements of Somali society into a process dominated since early 1991 by the warlords.

Early this year it became evident, however, that one of the warlords, Mohammed Farrah Aideed, not only wanted to be installed as President of Somalia, but would disrupt any effort to arrange for a solution to the country's problems which was likely to preclude the achievement of his goal. Committed to attaining his objective by force, he refused to participate in any meaningful truce negotiations. As a result, we have witnessed sporadic terrorist attacks in Aideed's home territory, South Mogadishu, by Aideed forces against soldiers of the United Nations contingents.

It is estimated that Aideed's armed band has approximately 500 members, almost all of whom are located in South Mogadishu. Mogadishu is only one city, but it is Somalia's capital and it has a population of about one million people. Although Aideed's band is small, it is large enough to stir up a great deal of trouble in a sprawling urban area, where combatants can suddenly emerge from a civilian crowd, often dressed as women, discharge their arms at U.N. soldiers, and quickly disappear again. Difficult as the task of bringing peace to Mogadishu may be, it must be taken on if our goals in Somalia are to be achieved.

The other warlords have so far been intimidated. If they see that Aideed can successfully defy the United Nations, they, too, will revert to their previous practices. Thus, as long as the situation in Mogadishu is not resolved, the stability of the entire country continues to be at risk.

It was clear from the outset that the United Nations effort, in order for it to have a chance of succeeding, would (a) have to have significant U.S. military support, and (b) would have to continue over the extended period of time needed to reestablish a semblance of law and order in the country. It is, therefore, incorrect to suggest that the mission of the U.N. contingents has changed. The mission was, from the beginning, to end the turmoil which has resulted in more than 300,000 victims from starvation and which, should it reoccur, could claim hundreds of thousands more. Nothing would have been accomplished by the major effort undertaken since December, 1992, if Somalia returns to the conditions which existed prior to a landing of U.S. forces, if U.N. intercession has meant no more for many Somalis than a postponement by one year of death and starvation. Yet such a disastrous result would be inevitable if the United States now withdraws its support from the United Nations operation.

The Somali expedition has been and continues to be a United Nations effort. Twenty-three other countries are engaged in Somalia, providing nearly 20,000 troops. Our present participation is down from 28,000 at its peak to about 4500 now, consisting of about 3100 logistical and other support personnel and a quick-reaction force of about 1400. We do not intend to Americanize the problem. It must be resolved with the active participation of the United Nations and of forces from other U.N. members. In this Chapter VII effort the United Nations is in uncharted waters, trying to put back together a state torn apart by warlords and thugs. It should come as no surprise that there have been unexpected developments, some of them quite unpleasant. What remains at stake is the survival of the millions of Somalis who were rescued by the United Nations operation. What is also at stake, is the reputation of the United Nations as an organization capable of dealing with threats to the peace.

It is clear that the problems of Somalia can not ultimately be solved by anyone but the Somali people themselves. That is why the United States has given its support to efforts to lay the foundation for a democratic government in Somalia and for the creation of institutions which would advance the rule of law.

PLEASE DELIVER
TO SEN LIEBERMAN
ASAP.

FAX TRANSMITTAL SHEET

FROM: Richard Schifter

PHONE: (202) 395-5778

FAX: (202) 395-7366

TO Sen Lieberman FAX NUMBER 224-9750 PHONE NUMBER 224-4041

NUMBER OF PAGES INCLUDING COVER SHEET 4

SPECIAL INSTRUCTIONS:

1. PLEASE REPLACE Somalia draft memo
ATTACHED FOR THE DRAFT SENT TO
SENATOR LIEBERMAN ON FRIDAY.
AN OMISSION HAS BEEN CORRECTED
ON THE FINAL PAGE.

2. PLEASE CONFIRM RECEIPT OF
THIS AMENDED DRAFT BY
CALLING 395-5778. THANKS.
(202)

224-4041

Copy to: Steinberg

9th 117
4/7

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

6958

September 15, 1993

INFORMATION

MEMORANDUM FOR SAMUEL R. BERGER

FROM: RICHARD SCHIFTER

SUBJECT: Somalia

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By KDE NARA, Date 2/10/16
2012-0659-F

Regarding your notes on the proposed judicial project: we need to balance two requirements. On one hand, we need to make sure that the project gets off the ground quickly, is run efficiently, can command adequate resources, and helps answer questions about our involvement in Somalia which have been posed by Congress and the general public. On the other hand, we don't want to make it an all-American show.

To meet both of these requirements, I believe we should get a prominent U.S. judge, preferably a black judge, to act as coordinator and an African Executive Director. The coordinator, headquartered in the U.S., should work with the UN, AID, Congress and the U.S. legal community in mobilizing resources, including volunteer support. The Executive Director will run the program in Mogadishu. -- The reasons for our involvement are (1) AID is funding the effort, (2) only with U.S. involvement will the project move quickly, (3) only the U.S. is likely to furnish volunteer support, and (4) high-profile U.S. involvement in this constructive enterprise will help garner support for our policy.

Let me know whether you agree.

I shall join you with Admiral Howe.

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Declassify on: OADR

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. cable	Re: Friends of Somalia Meeting (1 page)	09/08/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
ke4105

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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- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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004. memo	[Draft of 005] (3 pages)	08/31/1993	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
kc4105

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RR. Document will be reviewed upon request.

THE WHITE
WASHING

Dick Shifter-

8/2 ✓

please review and
make ~~to~~ these changes
and return ASAP.

Thanks.

SRD

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

September 1, 1993

TO: RICHARD CLARKE
FROM: RICHARD SCHIFTER
SUBJECT: Somalia Memorandum

Enclosed herewith is the re-draft of my memorandum, incorporating Sandy's suggestions. As you know, Sandy would like to get the draft to Senator Lieberman tomorrow. Could someone in your shop fill in the blanks and check the text for accuracy?

Let me know when we can talk about the judicial program.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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005. paper	Background Paper, re: Somalia (4 pages)	09/01/1993	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
ke4105

RESTRICTION CODES

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006. paper	Background Paper, re: Somalia (3 pages)	09/01/1993	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

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NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. draft	[Draft of 005] (4 pages)	09/01/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
kc4105

RESTRICTION CODES

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RR. Document will be reviewed upon request.

Dick,

Re: Somalia

This is good background
for tomorrow's meeting.

Dick

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. report	Re: [Somalia] (4 pages)	08/30/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. draft	[Draft of 005] (4 pages)	08/31/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
ke4105

RESTRICTION CODES

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

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

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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NSC/RMO PROFILE

RECORD ID: 9306339
RECEIVED: 23 AUG 93 09

TO: LAKE

FROM: SCHIFTER

DOC DATE: 23 AUG 93
SOURCE REF:

KEYWORDS: SOMALIA

UN

PERSONS: BOUTROS-GHALI, BOUTROS

SUBJECT: MISCELLANEOUS

ACTION: NOTED BY LAKE

DUE DATE: 26 AUG 93 STATUS: C

STAFF OFFICER: SCHIFTER

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON
SCHIFTER

DECLASSIFIED E.O. 13526

White House Guidelines,
September 11, 2006

By VDE NARA, Date 12/08/16
2012-0659-F

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJEB

CLOSED BY: NSMEM

DOC 1 OF 1

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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010. memo	Richard Schifter to Anthony Lake, re: Miscellaneous (1 page)	08/23/1993	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
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The world order which now confronts us is not new, but is different from that which we faced during the decades of the totalitarian threat. We have not reached the end of history, a phase in which liberal democracy has triumphed. Instead, the conditions which we now confront are reminiscent of those which another generation of Americans faced at the end of World War I: the industrial democracies are once again afforded an opportunity of playing a major role in steering humankind toward a world of the rule of law, in which nations are governed by leaders who derive their powers from the consent of the governed and respect the human dignity of their neighbors and of their own people. The issue before us is whether we have learned from past experience and can do better this time.

The failure of the democracies in the wake of World War I was in major part due to the rejection of Woodrow Wilson's ideals both by the European leaders and by his own countrymen. We opted out, with consequences which ultimately proved disastrous.

In the years which have passed since the Peace Conference at Versailles, the world has become even more interdependent than it was then. We are on one hand endangered by weapons of mass destruction, by international terrorism, and by the global impact of environmental degradation. We are, on the other hand, more than ever involved in international trade as well as scientific and cultural exchange. It is far more evident today than it was in 1920 that staying out of international affairs would entail grave risks to the security of the nation as a whole and to each individual citizen and is likely to retard the growth of our economy.

purpose first?
If we are to be involved in international affairs, what are to be the limits of our involvement, particularly the limits beyond which we would not become militarily engaged? If attacked, we are clearly going to resort to what Article 51 of the United Nations Charter refers to as "the inherent right of individual ... self-defence." Further, if an attack is launched which, though not directed at the United States, seriously endangers the United States or places the democratic world at serious risk, we would be prepared, if asked by the country attacked, to resort to "collective self-defence." While acting under Article 51, we shall, as provided by the Charter, bring all such cases before the United Nations Security Council, and press for appropriate action under Chapter VII of the Charter. The Council's failure to act would, however, not deter us from proceeding under Article 51.

There are many situations of "threat to the peace, breach of the peace, or act of aggression," which would not cause us to invoke Article 51, but which do call for United Nations Security Council action under Article 39. While all attacks directly against us would cause us to invoke "individual self-defence," we may where our interest is relatively remote, forego "collective self-defence" and seek Security Council action before we become militarily involved. Also, using the case of Somalia as a precedent, we should

what if UNSC insists on multilateral action?

consider humanitarian intervention to prevent mass killings, including mass starvation, appropriate action under Chapter VII.

How hard we press for Security Council action, what kind of action we seek, and what we are prepared to do in support of United Nations action will depend on (a) the danger to the United States of the act complained of, (b) the danger to the democratic family of nations, (c) the number of lives at risk if the UN fails to intervene, (d) the chance of success of the intervention, and (e) whether the American public is prepared to support intervention at a level which will lead to likely success.

and
costs

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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011. memo	James Bishop to Mr. Moose, re: U.S. Policy on Somalia (3 pages)	07/13/1993	P1/b(1)
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COLLECTION:

Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
ke4105

RESTRICTION CODES

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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012. memo	James Bishop to Mr. Wisner, re: Re-establishment of a Somali State (5 pages)	12/23/1992	P1/b(1)
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Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
OA/Box Number: 681

FOLDER TITLE:

Somalia, 1993 [3]

2012-0659-F
ke4105

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THE WHITE HOUSE
WASHINGTON

Deck,

FYI.

Here are the conclusions
reached at the Somalia
Group's last teleconference.

Also, I ~~had~~ have asked
Ricki Gold (AID) to
give you a call regarding
the rebuilding of the
judicial system.

Sean

I don't think your
4:30 meeting will
happen. The AID
folks seem to have
too many deadlines to
meet today.

Pls let me know
how your conversation w/ Ricki
turns out.

over →

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. paper	Summary of Conclusions of the Somalia Working Group's Teleconference (2 pages)	09/01/1993	P1/b(1)

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Clinton Presidential Records
National Security Council
Counselor's Office (Schifter, Richard)
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FOLDER TITLE:

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014. paper	Agenda for Somalia Working Group SVTS Tele-Conference (3 pages)	09/01/1993	P1/b(1)
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