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Somalia -

WPR

Report to the Congress on US Policy in Somalia

October 13, 1993

~~SECRET~~

EYES ONLY

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 7, 1993

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ALAN KRECZKO *AK*
SUBJECT: War Powers -- Somalia

The War Powers Group met yesterday, with Bernie Nussbaum attending. Our main focus was preparation of a draft report to Congress, which has been finalized today and is being sent to you by separate memo.

The Group also reviewed its conclusions of last week concerning the triggering of the WPR's provision on "hostilities" in light of the weekend's engagement with Aideed. The various General Counsels are now more divided on whether the WPR, if constitutional, has been triggered by recent events. The State Department Legal Adviser is most skeptical of our continuing ability to claim we are not in hostilities; DOD and JCS legal counsels remain strongly of the opposite view.

Walter Dellinger, Acting Assistant AG for the Office of Legal Counsel, reported that the AG was inclined toward the view that the hostilities threshold had been crossed even before the weekend's incidents. He said the AG would not make any pronouncements on the subject, but privately told Bernie and me that the AG would be very troubled if we were not in the process of obtaining authorization by November 15.

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By *KDE* NARA, Date *01/13/17*
2012-0659-F

~~SECRET~~

Declassify on: OADR

TO THE CONGRESS OF THE UNITED STATES:

Somalia - WPR
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In response to the request made by the House and Senate for certain information on our military operations in Somalia, I am pleased to forward the attached report.

In transmitting this report, I want to reiterate the points that I made on October 6 and to the American people in remarks on October 7. We went to Somalia on a humanitarian mission. We saved approximately a million lives that were at risk of starvation brought on by civil war that had degenerated into anarchy. We acted after 350,000 already had died.

Ours was a gesture of a great nation, carried out by thousands of American citizens, both military and civilian. We did not then, nor do we now plan to stay in that country. The United Nations agreed to assume our military mission and take on the additional political and rehabilitation activities required so that the famine and anarchy do not resume when the international presence departs.

For our part, we agreed with the United Nations to participate militarily with a much smaller U.S. force for a period of time, to help the United Nations create a secure environment in which it could ensure the free flow of humanitarian relief. At the request of the United Nations and the United States, approximately 30 nations deployed over 20,000 troops as we reduced our military presence.

With the recent tragic casualties to American forces in Somalia, the American people want to know why we are there, what we are doing, why we cannot come home immediately, and when we will come home. Although the report answers those questions in detail, I want to repeat concisely my answers:

o We went to Somalia because without us a million people would have died. We, uniquely, were in a position to save them, and other nations were ready to share the burden after our initial action.

o What the United States is doing there is providing, for a limited period of time, logistics support and security so that the humanitarian and political efforts of the United Nations, relief organizations, and others can have a reasonable chance of success. The United Nations, in turn, has a longer term political, security, and relief mission designed to minimize the likelihood that famine and anarchy will return when the United Nations leaves. The U.S. military mission is not now nor was it ever one of "nation building."

o We cannot leave immediately because the United Nations has not had an adequate chance to replace us, nor have the Somalis had a reasonable opportunity to end their strife. We want other nations to assume more of the burden of international peace. To have them do so, they must think that they can rely on our commitments when we make them. Moreover, having been brutally attacked, were American forces to leave now we would send a message to terrorists and other potential adversaries around the world that they can change our policies by killing our people. It would be open season on Americans.

o We will, however, leave no later than March 31, 1994, except for a few hundred support troops. That amount of time will permit the Somali people to make progress toward political reconciliation and allow the United States to fulfill our obligations properly, including the return of any Americans being detained. We went there for the right reasons and we will finish the job in the right way.

While U.S. forces are there, they will be fully protected with appropriate American military capability.

Any Americans detained will be the subject of the most complete and thorough efforts of which this Government is capable, with the unrelenting goal of returning them home and returning them to health.

I want to thank all those who have expressed their support for this approach during the last week. At difficult times such as these, when we face international challenges, bipartisan unity among our two branches of government is vital.

William T. Clinton

THE WHITE HOUSE,

October 13, 1993.

Somalia -
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AMENDMENT NO. _____

Calendar No. _____

Purpose: To provide funding for the involvement of the United States Armed Forces in Somalia through March 31, 1994, unless the President requests and the Congress authorizes an extension of that date.

IN THE SENATE OF THE UNITED STATES -- 103 Cong., 1st Sess.

H.R. 3116

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be offered by Mr. DYRD to the Committee amendment, on behalf of himself, Mr. Mitchell, Mr. Dole, Mr. Pell, Mr. Lugar, Mr. Nunn, Mr. Thurmond, Mr. Warner, Mr. Stevens, Mr. Brown, Mr. Leahy

Viz:

At the end of the Committee amendment, which appears on page 8, lines 12 through 17, strike "environment" and insert the following:

"environment: Provided further, That the Senate finds that--

(1) the United States entered into Operation Restore Hope in December of 1992 for the purpose of relieving mass starvation in Somalia;

(2) the original humanitarian relief mission in Somalia had the unanimous support of the Senate, expressed in Senate Joint Resolution 45, passed on February 4, 1993;

(3) the original humanitarian mission was being successfully accomplished by United States forces, working with forces of other nations, and an expanded mission was assumed by the United Nations on May 4, 1993 pursuant to United Nations Resolution 814, of March 26, 1993;

(4) neither the expanded United Nations mission of national reconciliation, nor the broad mission of disarming the clans, nor any other mission not essential to the performance of the humanitarian mission has been endorsed or approved by the Senate;

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(5) the expanded mission of the United Nations was, subsequent to an attack upon United Nations forces, diverted into a mission aimed primarily at capturing certain persons, pursuant to United Nations Security Council Resolution 837, of June 6, 1993;

(6) the actions of hostile elements in Mogadishu, and the United Nations mission to subdue those elements, have resulted in open conflict in the city of Mogadishu and the deaths of 29 Americans, at least 159 wounded, and the capture of American personnel; and

(7) during fiscal years 1992 and 1993, the United States incurred expenses in excess of \$1.1 billion to support operations in Somalia;

Provided further, That the Senate approves the use of United States Armed Forces in Somalia for the following purposes --

(i) The protection of United States personnel and bases; and

(ii) The provision of assistance in securing open lines of communication for the free flow of supplies and relief operations through the provision of--

(I) United States military logistical support services to United Nations forces; and

(II) United States combat forces in a security role and as an interim force protection supplement to United Nations units;

Provided further, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994 for the operations of United States Armed Forces in Somalia;

Provided further, That such date may be extended if so requested by the President and authorized by the Congress;

Provided further, That funds may be obligated beyond March 31, 1994 to support a limited number of U.S. military personnel sufficient only to protect American diplomatic facilities and American citizens, and noncombat personnel to advise the United Nations commander in Somalia;

Provided further, That United States combat forces in Somalia shall be under the command and control of United States commanders under the ultimate direction of the President of the United States;

Provided further, That the President should intensify efforts to have United Nations member countries immediately deploy additional troops to Somalia to fulfill previous force commitments made to the United Nations and to deploy additional forces to assume the security missions of United States Armed

Forces:

Provided further, That --

(A) captured U.S. personnel in Somalia should be treated humanely and fairly; and

(B) the United States and the United Nations should make all appropriate efforts to ensure the immediate and safe return of any future captured U.S. personnel:

Provided further, That the President should ensure that, at all times, United States military personnel in Somalia have the capacity to defend themselves, and American citizens:

Provided further, That the United States Armed Forces should remain deployed in or around Somalia until such time as all American service personnel missing in action in Somalia are accounted for, and all American service personnel held prisoner in Somalia are released"

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 13, 1993

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INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ALAN KRECZKO^{AK}/DONALD GROSS^{DG}

SUBJECT: Meeting with General Shalikashvili and Senator Nunn

This memorandum offers some observations about the pending congressional resolution on Somalia.

Attached at Tab II is the draft of the resolution that was circulated by Senator Mitchell's staff early Tuesday. A summary of the draft is at Tab I. You should be aware there may be changes to this draft by the time you, Howard Paster and General Shali meet with senators today.

As a general observation, the draft is positive in many respects: it neither sets a binding time-limit on the deployment of U.S. troops to Somalia, nor contains a funding cut-off. It is therefore far preferable to the Byrd resolution, which reportedly contains a December 31, 1993 cut-off of funds. By contrast to the resolution Mitchell's staff drafted, Congress' resolution authorizing our peacekeeping mission in Lebanon in 1983 (which was adopted prior to the Beirut barracks bombing) contained limitations on the duration of our deployment, the size of our force and its mandate. (Tab 3).

To moot the argument with Congress over whether U.S. activities in Somalia are subject to the War Powers Resolution, it will be very helpful to obtain an authorization.

MAJOR ISSUES

A significant portion of the attached draft -- especially section 4(b) -- responded to concerns expressed by Senator Nunn. This section presents the most significant problems for the Administration.

Section 4(b)

Nunn may argue that Congress does not want U.S. forces to engage in any of the activities specified in Section 4(b), including "urban police functions," seeking to arrest General Aideed, disarming the clans and conducting nation-building. He may also argue such limitations are necessary to secure support for the broad authorization in 4(a).

This would be our response: it is one thing for Congress to define the mission of U.S. forces in an overall way. But Congress should not dictate how the military carries out its operation. Our forces must have the maximum flexibility on the ground to respond to attacks and provocations. The tactics they use in pursuit of their mission should be decided by military commanders who are most familiar with local conditions. Attempts to legislate restrictions could actually put our servicemen and women at risk by hampering their use of necessary operations. We have constitutional as well as precedential concerns about giving the President a mission and then telling him there are some operations he cannot conduct, even if he concludes they are essential to the mission.

As a secondary argument, even if we could agree today on how the President should limit military operations in Somalia, we do not know how the situation will evolve. Writing restrictions on military operations into law fails to take this time factor into account. It could severely hamper U.S. commanders on the ground who need to have maximum flexibility over time in designing effective tactics.

Finally, even if we agreed on dropping the effort to arrest General Aideed, this prohibition should not be written into law. It will only give Aideed comfort, encourage him to wait us out and be less forthcoming in negotiations of a possible settlement.

Based on these arguments, we would urge deletion of Section 4(b) of his draft resolution. You would argue that 4(a) accomplishes Nunn's core objective of authorizing a defined mandate.

FALL-BACK #1: If he is unwilling to make this change, we should ask him to replace the phrase "shall not" in the introductory sentence with "should not." This would put Congress' views on record without constraining the President in exigent circumstances.

FALL-BACK #2: We should ask Nunn to delete the phrase "In performing this mission . . ." at the beginning of the introductory sentence and substitute "It shall not be the mission of . . ." The purpose of this change would be to permit Congress to exclude the items in 4(b) from the Statement of Mission, without putting those items off-limits if necessary to the achievement of the mission authorized in 4(a).

FALL-BACK #3: Accept 4(b), but note that we may need to have a signing statement that upholds the President's constitutional authorities.

Section 3

We need to delete the word "tactical" in section 3. According to JCS, when the QRF responds to requests for assistance from a foreign contingent, it takes direction from the sector's foreign commander. JCS says this is necessary to ensure deconfliction. (JCS was still evaluating Tuesday night whether we should seek to

delete the word "command" for similar reasons.) Also, for constitutional and precedential reasons it would be preferable to change "shall" to "should."

Ideally this provision would then read:

"United States forces....should at all times remain under the operational command and control of United States commanders."

Section 4

We also need to replace the word "shall" in Section 4(a) with the phrase "are authorized to." This is both to get us a clear authorization and to make clear the President is not required to take these actions if he decides otherwise. Thus, the introductory paragraph would read:

"United States Armed Forces are authorized to conduct joint and combined military operations in Somalia in support of and as an emergency backup to United Nations forces. In performing this mission, United States forces are authorized to: . . ."

End Point of Mission

Finally, you should be aware that Senator Dole and others may be pushing to delete any reference to a March 31 end-point for our mission.

Concurrences by:  Jeremy Rosner,  Richard Clarke

Attachments

Tab I Summary of Resolution
Tab II Draft Resolution on Somalia
Tab III Congressional Resolution on Lebanon (1983)

SUMMARY OF RESOLUTION

This resolution initially cites the circumstances and history of U.S. involvement in Somalia. It notes that the mission of the United Nations has "apparently evolved" to "one of internal security and nation building" -- and that U.S. servicemen have been killed in support of this broader U.N. mission.

Section 2 of the resolution contains a "Statement of Congressional Policy," including an endorsement of the planned, orderly withdrawal of all American troops from Somalia no later than March 31, 1994."

Section 3 deals with "Command and Control Arrangements." It specifies that all U.S. forces -- other than the support personnel assigned to UNOSOM -- "shall at all times remain under the operational and tactical command and control of United States commanders." This statement is problematic.

Section 4(a) of the resolution is a positive authorization for the U.S. armed forces to carry out their mission in Somalia. The elements of that mission are consistent with the purposes outlined by the President in his recent remarks: 1) to protect U.S. troops and facilities in Somalia; 2) secure key ports and lines of communication to ensure the delivery of humanitarian relief; 3) provide an "emergency backup force" for U.N. forces; and 4) prevent a return of anarchy and famine.

Section 4(b) is the most problematic provision and should be the focus of your discussions today. It sets forth specific prohibitions on the operations of U.S. forces in Somalia. Under Section 5, U.S. forces "shall not": 1) conduct urban police functions; 2) carry out search and seizure operations in an attempt to arrest General Aideed or his compatriots; 3) conduct disarmament of Somali clans "except as incident" to carrying out their positive mission described in the previous section; and 4) carry out "nation-building."

Section 5 requires periodic reports on the mission and function of U.S. forces in Somalia. Section 6 requires periodic reports on the costs of maintaining U.S. forces in Somalia.

Draft Joint Resolution Regarding United States Policy Towards Somalia

Mitchell, Dole, Nunn, Warner

Whereas an estimated 300,000 Somalis have died as a result of hunger and widespread violence since January 1991.

Whereas on December 3, 1992, the United Nations Security Council adopted Resolution 794 in which the Security Council determined that the obstacles being created to the distribution of humanitarian assistance constituted a threat to international peace and security.

Whereas up to 28,000 United States Armed Forces personnel entered Somalia on December 9, 1992 under Operation Restore Hope in response to Security Council Resolution 794.

Whereas on March 26, 1993, the United Nations Security Council acting under Chapter VII of the Charter of the United Nations, adopted Resolution 814 providing for the establishment of a 20,000 man United Nations force in Somalia.

Whereas after May 1, 1993, about 3,100 United States Armed Forces personnel remained in Somalia to provide logistical, communication and intelligence support to the United Nations-led humanitarian relief operation, and about 1,400 combat troops remained as a United States-commanded Quick Reaction Force.

Whereas the mission of United States forces supporting the United Nations force in Somalia has apparently evolved from assisting in the establishment of "a secure environment for humanitarian relief operations" as set forth in United Nations Security Council Resolution 794, to one of internal security and nation building.

Whereas in support of this broadened United Nations mission of internal security and nation building, rather than humanitarian relief operations, sixteen American servicemen have been killed, three are missing and one is a known prisoner: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This joint resolution may be cited as the "Statement of Congressional Authorization Regarding the Presence of United States Armed Forces in Somalia".

SECTION 2. Statement of Congressional Policy.

(a) United States Armed Forces should remain deployed in and around Somalia until such time as all American service personnel missing in action have been accounted for; and all American service personnel held prisoner have been released.

(b) The Congress endorses the planned, orderly withdrawal of all American troops from Somalia no later than March 31, 1994.

(c) The President should intensify efforts to have other United Nation member countries immediately deploy additional troops to Somalia to assume the security missions of United States Armed Forces.

(d) The President should vigorously urge the United Nations to accelerate its diplomatic efforts to achieve a political settlement among all internal parties and factions to the crisis in Somalia.

(e) The President should strongly encourage and assist, the leaders of the neighboring African countries most directly affected by the crisis in Somalia, to intensify their efforts to build a political settlement among the Somali people.

SECTION 3. Command And Control Arrangements.

United States Forces, other than the support personnel presently assigned to the United Nations Operation in Somalia II (UNOSOM II), shall at all times remain under the operational and tactical command and control of United States commanders.

SECTION 4. Mission of United States Forces In Somalia.

(a) United States Armed Forces shall conduct joint and combined military operations in Somalia in support of and as an emergency backup to United Nations forces. In performing this mission, United States forces shall;

- (1) protect United States troops and facilities in Somalia;
- (2) assist in securing and maintaining security of airports, seaports, and lines of communication whose use is essential to the delivery of humanitarian relief supplies throughout Somalia; and

- (3) provide an emergency backup force for United Nations forces and respond, as deemed appropriate by the on-scene United States commander, to requests for assistance when such forces are under actual or threatened attack;
- (4) to assist within the performance of assigned mission in preventing a return of anarchy and famine.

(b) In performing this mission, United States Armed Forces shall not:

- (1) conduct urban police functions;
- (2) conduct search and seize operations in an attempt to arrest and detain personnel pursuant to United Nations Security Council resolution 837 of June 6, 1993;
- (3) conduct disarmament of the various Somali clans, except as incident to the conduct of operations carried out pursuant to paragraphs (a) (1), (2) and (3) above; nor
- (4) conduct nation-building or other activities that are more properly performed by civilian personnel.

SECTION 5. Reports Regarding The Presence Of United States Forces In Somalia.

(a) Periodic Reports.--

(1) Information To Be Provided. The President shall submit periodic reports to the Congress with respect to United States Armed Forces participation in and support for the United Nations force in Somalia. Each report shall --

(A) specify the number and location of the United States Armed Forces participating in the United Nations force in Somalia or operating in support of that force;

(B) specify the mission and functions being performed by United States Armed Forces support personnel participating in the United Nations force in Somalia;

(C) specify the mission and functions of all the United States Armed Forces operating in and around Somalia;

(D) specify the command and control arrangements applicable with respect to United States Armed Forces participating in the United Nations force in Somalia or operating in support of that force; and

(E) specify the anticipated duration of the deployment of United States Armed Forces in and around Somalia.

(2) Reporting Dates And Period Covered By Each Report-- A report pursuant to this subsection shall be submitted --

(A) not later than January 1, 1994, covering the period since the enactment of this legislation; and

(B) not later than March 1, 1994, covering the period since the preceding report pursuant to this subsection.

SECTION 6. Reports On Costs Of United Nations-Authorized Operations In Somalia.

(a) Requirement For Periodic Reports.--The President shall submit to the Congress periodic reports regarding the costs of the United States Armed Forces in Somalia.

(b) Information On Costs And Other Contributions. --Each report pursuant to this section shall specify (to the extent such information is available to the United States) --

(1) the amount of the incremental costs incurred by the United States as the result of its participation in or military operations in support of the United Nations force in Somalia;

(2) the amount of other in-kind or financial contributions pledged, and the amount of such contributions made, by each participating country toward the costs associated with the United Nations force in Somalia, including contributions to the United Nations Trust Fund for Somalia and excluding amounts reported pursuant to paragraph (3);

(3) the amount assessed by the United Nations to the United States and each other country for its contributions to the costs associated with the United Nations force in Somalia;

(4) the amount received by the United States and each other country as reimbursement from the United Nations, including reimbursements from the United Nations Trust Fund for Somalia, as the result of its participation in the United Nations force in Somalia; and

(5) the amount received by the United States and each other country as credit against an assessment described in paragraph (3) from the United Nations for costs that it incurred as the result of its participation in or military operations in support of the United Nations force in Somalia.

(c) Reimbursement of Costs Incurred By The United States in Somalia.-- It is the sense of the Congress that the President should seek to ensure that incremental costs incurred by the United States in connection with the United States Armed forces presence in Somalia are reimbursed to the maximum extent possible by the United Nations and other members of the international community. Each report pursuant to this section shall review all actions taken by the United States to achieve this objective.

(d) Reporting Dates And Period Covered By Each Report.-- A report pursuant to this section shall be submitted--

(1) not later than January 1, 1994, covering the period since enactment of this legislation; and

(2) not later than March 1, 1994, covering the period since the preceding report pursuant to this subsection.

SECTION 7. Definitions.

As used in this joint resolution--

(1) the term "United Nations force in Somalia" means the expanded force (referred to as UNOSOM II) authorized by paragraph 5 of United Nations Security Council Resolution 814 (1993);

(2) the term "United Nations Trust Fund for Somalia" means the trust fund established and maintained pursuant to United Nations Security Council Resolutions 794 and 814.

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Ninety-eighth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Monday, the third day of January,
one thousand nine hundred and eighty-three*

Joint Resolution

Providing statutory authorization under the War Powers Resolution for continued United States participation in the multinational peacekeeping force in Lebanon in order to obtain withdrawal of all foreign forces from Lebanon.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the "Multinational Force in Lebanon Resolution".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) the removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East;

(2) in order to restore full control by the Government of Lebanon over its own territory, the United States is currently participating in the multinational peacekeeping force (hereafter in this resolution referred to as the "Multinational Force in Lebanon") which was established in accordance with the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982;

(3) the Multinational Force in Lebanon better enables the Government of Lebanon to establish its unity, independence, and territorial integrity;

(4) progress toward national political reconciliation in Lebanon is necessary; and

(5) United States Armed Forces participating in the Multinational Force in Lebanon are now in hostilities requiring authorization of their continued presence under the War Powers Resolution.

(b) The Congress determines that the requirements of section 4(a)(1) of the War Powers Resolution became operative on August 29, 1983. Consistent with section 5(b) of the War Powers Resolution, the purpose of this joint resolution is to authorize the continued participation of United States Armed Forces in the Multinational Force in Lebanon.

(c) The Congress intends this joint resolution to constitute the necessary specific statutory authorization under the War Powers Resolution for continued participation by United States Armed Forces in the Multinational Force in Lebanon.

S. J. Res. 159—2

**AUTHORIZATION FOR CONTINUED PARTICIPATION OF UNITED STATES
ARMED FORCES IN THE MULTINATIONAL FORCE IN LEBANON**

SEC. 3. The President is authorized, for purposes of section 5(b) of the War Powers Resolution, to continue participation by United States Armed Forces in the Multinational Force in Lebanon, subject to the provisions of section 6 of this joint resolution. Such participation shall be limited to performance of the functions, and shall be subject to the limitations, specified in the agreement establishing the Multinational Force in Lebanon as set forth in the exchange of letters between the Governments of the United States and Lebanon dated September 25, 1982, except that this shall not preclude such protective measures as may be necessary to ensure the safety of the Multinational Force in Lebanon.

REPORTS TO THE CONGRESS

SEC. 4. As required by section 4(c) of the War Powers Resolution, the President shall report periodically to the Congress with respect to the situation in Lebanon, but in no event shall he report less often than once every three months. In addition to providing the information required by that section on the status, scope, and duration of hostilities involving United States Armed Forces, such reports shall describe in detail—

- (1) the activities being performed by the Multinational Force in Lebanon;
- (2) the present composition of the Multinational Force in Lebanon, including a description of the responsibilities and deployment of the armed forces of each participating country;
- (3) the results of efforts to reduce and eventually eliminate the Multinational Force in Lebanon;
- (4) how continued United States participation in the Multinational Force in Lebanon is advancing United States foreign policy interests in the Middle East; and
- (5) what progress has occurred toward national political reconciliation among all Lebanese groups.

STATEMENTS OF POLICY

SEC. 5. (a) The Congress declares that the participation of the armed forces of other countries in the Multinational Force in Lebanon is essential to maintain the international character of the peacekeeping function in Lebanon.

(b) The Congress believes that it should continue to be the policy of the United States to promote continuing discussions with Israel, Syria, and Lebanon with the objective of bringing about the withdrawal of all foreign troops from Lebanon and establishing an environment which will permit the Lebanese Armed Forces to carry out their responsibilities in the Beirut area.

(c) It is the sense of the Congress that, not later than one year after the date of enactment of this joint resolution and at least once a year thereafter, the United States should discuss with the other members of the Security Council of the United Nations the establishment of a United Nations peacekeeping force to assume the responsibilities of the Multinational Force in Lebanon. An analysis of the implications of the response to such discussions for the continuation of the Multinational Force in Lebanon shall be

included in the reports required under paragraph (3) of section 4 of this resolution.

**DURATION OF AUTHORIZATION FOR UNITED STATES PARTICIPATION IN
THE MULTINATIONAL FORCE IN LEBANON**

SEC. 6. The participation of United States Armed Forces in the Multinational Force in Lebanon shall be authorized for purposes of the War Powers Resolution until the end of the eighteen-month period beginning on the date of enactment of this resolution unless the Congress extends such authorization, except that such authorization shall terminate sooner upon the occurrence of any one of the following:

- (1) the withdrawal of all foreign forces from Lebanon, unless the President determines and certifies to the Congress that continued United States Armed Forces participation in the Multinational Force in Lebanon is required after such withdrawal in order to accomplish the purposes specified in the September 25, 1982, exchange of letters providing for the establishment of the Multinational Force in Lebanon; or
- (2) the assumption by the United Nations or the Government of Lebanon of the responsibilities of the Multinational Force in Lebanon; or
- (3) the implementation of other effective security arrangements in the area; or
- (4) the withdrawal of all other countries from participation in the Multinational Force in Lebanon.

INTERPRETATION OF THIS RESOLUTION

SEC. 7. (a) Nothing in this joint resolution shall preclude the President from withdrawing United States Armed Forces participation in the Multinational Force in Lebanon if circumstances warrant, and nothing in this joint resolution shall preclude the Congress by joint resolution from directing such a withdrawal.

(b) Nothing in this joint resolution modifies, limits, or supersedes any provision of the War Powers Resolution or the requirement of section 4(a) of the Lebanon Emergency Assistance Act of 1983, relating to congressional authorization for any substantial expansion in the number or role of United States Armed Forces in Lebanon.

CONGRESSIONAL PRIORITY PROCEDURES FOR AMENDMENTS

SEC. 8. (a) Any joint resolution or bill introduced to amend or repeal this Act shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be. Such joint resolution or bill shall be considered by such committee within fifteen calendar days and may be reported out, together with its recommendations, unless such House shall otherwise determine pursuant to its rules.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days

S. J. Res. 159—4

thereafter, unless such House shall otherwise determine by the yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by the yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within forty-eight hours, they shall report back to their respective Houses in disagreement.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

NATIONAL SECURITY COUNCIL

October 8, 1993

TO: SANDY BERGER

FROM: ALAN KRECZKO AK

Sandy,

Re your first point, the first paragraph was designed to do just what you suggest. It leads by mentioning the prior reports to show this is a routine update, and ends with the reference to the War Powers Resolution. This is the standard format for these reports and I would leave it as is.

Re your second point, the casualty figures for the Oct 3 incident have been adjusted to take into account overnight developments. JCS assures me they are an accurate accounting, as of this moment, of the Oct 3 incident.

I've deleted the word "criminal."

Rec'd 10/8 7:35am

National Security Council
The White House

JWZ
10/8

PROOFED BY: WA LOG # 7745
URGENT NOT PROOFED: _____ SYSTEM PBS NSC INT
BYPASSED WW DESK: _____ DOCLOG WA A/O _____

① The letter should start w/ context, ie providing this in connection w/ X law. Further report submitted by CIA is pursuant to Congress. Need to be clear this is routine.

② are casualty figures current?

③ /
return to me
not response to Cong res,

	SEQUENCE TO	HAS SEEN	DISPOSITION
DepExecSec	<u>1</u>		
ExecSec			
Staff Director	<u>1</u>	Return to Alan K.	
D/APNSA	<u>2</u>		
APNSA	<u>3</u>	see SB note	
Situation Room		CALL + tell him it's coming back soon	
West Wing Desk			
NSC Secretariat			
<u>Kreezko</u>			

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

cc: VP McLarty Other _____

Should be seen by: _____
(Date/Time)

COMMENTS:

DISPATCH INSTRUCTIONS:

THE WHITE HOUSE

WASHINGTON

Dear Mr. Speaker:

In my letter to you of June 10, 1993, regarding the deployment of U.S. Armed Forces to Somalia, I reported on the deplorable June 5 attacks on forces of the United Nations Operation in Somalia (UNOSOM II) instigated by Mohammed Aideed. On July 1, I provided a supplement to my June 10 report describing further the actions taken by U.S. Armed Forces in response to those events. I am now writing to provide a further report on this situation, consistent with the War Powers Resolution.

I will continue to consult closely with Congress on developments in Somalia and intend to provide a full report to Congress by October 15 as requested in provisions of the Senate and House versions of the FY 1994 Defense Authorization Act.

As you know, Mohammed Aideed and his followers have not ceased their criminal attacks on UNOSOM personnel and on international relief workers in the Mogadishu area. These have included periodic assaults with mortars, rocket-propelled grenades and other weapons against U.S. forces taking part in UNOSOM operations and against U.S. and U.N. facilities.

A particularly intense series of encounters with Aideed's forces occurred in Mogadishu on October 3. At one location a U.S. HMMWV light vehicle was destroyed by a command-detonated land mine. At another location a five-ton U.S. Army truck was destroyed by a rocket-propelled grenade.

In the most serious encounter of the day, U.S. Army Rangers launched an operation near the Olympia Hotel for the purpose of detaining persons in Aideed's organization thought to have committed earlier assaults on U.N. forces. During the course of this operation, two U.S. Blackhawk helicopters were shot down and U.S. Army personnel established a perimeter around one of the crash sites in an attempt to rescue U.S. helicopter crew members. These personnel were subjected to intense fire for most of the night until other UNOSOM forces (including U.S. Army personnel) could reach the crash site and evacuate them. Three other U.S. helicopters were hit and forced to withdraw during these incidents.

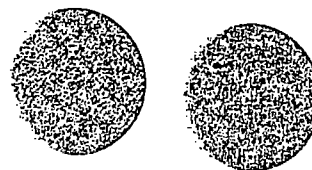
^{Fifteen}
~~Thirteen~~ U.S. personnel were killed, ⁸⁷~~85~~ were wounded, one is known to be detained by Aideed's followers, and ~~four~~ others are missing. UNOSOM forces of other nationalities suffered losses as well. Every effort is being made to find and extract the missing personnel, and we have made it clear that Aideed and his followers will be held strictly responsible for their criminal

Three

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

October 7, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO *AK*FROM: NEAL WOLIN *NW*

SUBJECT: Supplemental Report to Congress, Consistent with the War Powers Resolution, on the Deployment of United States Armed Forces to Somalia

Attached for transmittal to the President is a recommended supplement to the June 10 and July 1, 1993, War Powers reports to Congress on our deployment of armed forces to Somalia.

The report, attached at Tabs A and B, simply provides a factual update since the President's last report. It does not concede anything with respect to the applicability of the WPR to events in Somalia, but, like previous reports, will moot any debate about whether we are meeting our reporting requirements. Mike O'Neill of Speaker Foley's staff called our office this morning and indicated the Speaker would want such a report so that congressional debates do not get distracted by the issue.

The report has been coordinated with the Counsel to the President and the Departments of State, Justice and Defense, including JCS. (Secretary Christopher has approved the report. DOD/GC informs us that they provided a copy to Secretary Aspen last night, but have not heard back from him.)

Concurrences by: *NW* *AK* *NW*
Jeremy Rosner, Rand Beers, Jennifer Ward

RECOMMENDATION

That you sign the memorandum for the President at Tab I forwarding the supplemental report to Congress on Somalia.

Attachments

Tab I Memorandum for the President
Tab A Letter to the Speaker of the House
Tab B Letter to the President pro tempore of the Senate

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE

SUBJECT: Supplemental Report to Congress, Consistent with
the War Powers Resolution, on the Deployment of
United States Armed Forces to Somalia

Purpose

To provide a supplemental report to Congress regarding the status of the deployment of U.S. Armed Forces to Somalia.

Background

Attached is a supplement to the June 10 and July 1, 1993 reports you sent to Congress on our deployments of armed forces in Somalia. The report simply provides a factual update since your last report, focusing on last weekend's incidents. It does not concede anything with respect to the applicability of the War Powers Resolution to events in Somalia, but, like previous reports, will moot any debate about whether we are meeting our reporting requirements.

The report has been cleared by the Counsel to the President and the Departments of State, Justice and Defense (including JCS).

RECOMMENDATION

That you report to Congress on the status of the deployment of Armed Forces to Somalia by signing the letters at Tabs A and B.

Attachments

Tab A Letter to the Speaker of the House of Representatives
Tab B Letter to the President pro tempore of the Senate

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

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As you know, Mohammed Aideed and his followers have not ceased their attacks on UNOSOM personnel and on international relief workers in the Mogadishu area. These have included periodic assaults with mortars, rocket-propelled grenades and other weapons against U.S. forces taking part in UNOSOM operations and against U.S. and U.N. facilities.

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Fifteen U.S. personnel were killed, 87 were wounded, one is known to be detained by Aideed's followers, and three others are missing. UNOSOM forces of other nationalities suffered losses as well. Every effort is being made to find and extract the missing personnel, and we have made it clear that Aideed and his followers will be held strictly responsible for their criminal

acts and for any mistreatment of our personnel. I deeply regret these tragic deaths and injuries.

I have directed the implementation of several measures to strengthen our ability to protect U.S. and other UNOSOM forces, and to enhance our ability to assist UNOSOM in carrying out its mandate to provide a secure environment for humanitarian relief. I have ordered the deployment to Somalia of additional U.S. military personnel and equipment under U.S. command which are intended to provide force-protection capability for U.S. and U.N. contingents assigned to Mogadishu. The deployment of these forces will lessen the threat to U.S. and other U.N. forces assigned in Somalia.

These deployments have been made pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. They are consistent with differing versions of a proposed joint resolution adopted separately by the Senate on February 4 and the House on May 25. I welcome the support expressed in these resolutions for our efforts in Somalia, and I look forward to continuing our consultations on this essential humanitarian effort.

Sincerely,

The Honorable Thomas S. Foley
Speaker of the
House of Representatives
Washington, D.C. 20515

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

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Sincerely,

The Honorable Robert C. Byrd
President pro tempore
of the Senate
Washington, D.C. 20510

202 647 1037

LFO

ID:202-647-1037

OCT 06'93 17:20 No.007 P.02

FINAL OSD/JCS

TEXTUAL REVISIONS

10 am - 10/7/93

Dear Mr. Speaker:

Because of my desire that the Congress be kept fully informed regarding significant deployments of U.S. Armed Forces, I am providing this supplement to my earlier reports on the situation in Somalia. I will also ensure that consultations with Congress continue and intend to provide a full report to Congress on this situation by October 15 as requested in provisions of the Senate and House versions of the FY 1994 Defense Authorization Act.

In my letter to you of June 10, 1993, regarding the deployment of U.S. Armed Forces to Somalia, I reported on the deplorable June 5 attacks on forces of the United Nations Operation in Somalia (UNOSOM) instigated by Mohammed Aideed, ~~one of Somalia's factional leaders~~. On July 1, I provided a supplement to my June 10 report describing further the actions taken by U.S. Armed Forces in response to those events. I am now writing to provide a further report on this situation, consistent with the War Powers Resolution.

Unfortunately, Mohammed Aideed and his followers have not ceased their criminal attacks on UNOSOM personnel and on international relief workers in the Mogadishu area. These have included periodic ~~attacks~~ with mortars, rocket-propelled grenades and other weapons against U.S. forces taking part in UNOSOM II operations and against U.S. and UN facilities.

ASSAULTS

A particularly intense series of encounters with Aideed's forces occurred in Mogadishu on October 3. At one location a U.S. HMMWV light vehicle was destroyed by a command-detonated land mine. At another location a five-ton U.S. Army truck was destroyed by a rocket-propelled grenade.

ASSAULTS ON

ARRESTING AND In the most serious encounter of the day, U.S. Army Rangers launched an operation near the Olympia Hotel for the purpose of detaining persons in Aideed's organization thought to have ~~been~~ ~~involved in~~ ~~earlier attacks against~~ UN forces. During the course of this operation, two U.S. Blackhawk helicopters were shot down and U.S. Army personnel established a perimeter around one of the crash sites in an attempt to rescue U.S. helicopter crew members. These personnel were subjected to intense ~~hostile~~ fire for most of the night until other UNOSOM forces (including U.S. Rangers) could reach the crash site and evacuate them. Three ~~other~~ U.S. helicopters were hit and forced to ~~retire~~ during these ~~operations~~.

WITHDRAW

INCIDENTS

ARMY PERSONNEL

13

- 2 -

one U.S. Military person is being detained by Aideed's forces

U.S. personnel were killed, 86 were wounded and 5 are missing. The total U.S. casualties during these encounters were 15 killed, 86 wounded and five missing. UNOSOM forces of other nationalities suffered casualties as well. Every effort is being made to find and extract the missing U.S. personnel, and we have made it clear that Aideed and his followers will be held strictly responsible for any mistreatment of these U.S. personnel. I deeply regret these tragic losses, deaths and injuries.

LOSSES

THEIR CRIMINAL ACTS AND FOR

I have directed several measures to strengthen our ability to protect U.S. and other UNOSOM forces, and to enhance our ability to assist UNOSOM in carrying out its mandate to provide a secure environment for humanitarian relief. I have ordered the deployment to Somalia of additional U.S. personnel and equipment, which are intended to provide a more effective force-protection capability for UN contingents assigned to Mogadishu, as well as assist in the quick reaction force mission. These deployments will lessen the threat to U.S. and other UN forces assigned in Somalia.

THE
IMPLEMENTATION
OF
STRENGTHEN

MILITARY

UNDER US COMMAND OF THESE FORCES

These deployments have been made pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. They are consistent with the differing versions of a proposed joint resolution adopted separately by the Senate on February 4 and the House on May 25. I welcome the support expressed in these resolutions for our efforts in Somalia, and I strongly desire to cooperate fully with the Congress in continuing this essential humanitarian effort.

LOOK FORWARD TO
CONTINUING OUR CONSULTATIONS.
Sincerely,



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20301-16

TELECOPIER MEMORANDUM

DATE: 10/7/93
TIME: 1100
TO: Alan Kreczko
(NAME)
(OFFICE) 202-395-1039
(FAX NUMBER)

FROM: A. Dyson
(NAME)
DOD/OGC (IA+T)
(OFFICE)

We are submitting 3 pages, including this Telecopier Memorandum.

If you do not receive all pages, please call Della
at (703) 695-2604.

REMARKS: If you can't read marginal
comments, call Mr. Dyson at
703-697-9348.

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

October 7, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ALAN KRECZKO *AK*FROM: NEAL WOLIN *NW*

SUBJECT: Supplemental Report to Congress, Consistent with the War Powers Resolution, on the Deployment of United States Armed Forces to Somalia

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Concurrences by: *NW* *AK* *NW* *AK* *NW* *AK* Jeremy Rosner, Rand Beers, Jennifer Ward

RECOMMENDATION

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Tab A Letter to the Speaker of the House
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THE WHITE HOUSE
WASHINGTON

ACTION

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THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE

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United States Armed Forces to Somalia

Purpose

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cc: Vice President
Chief of Staff

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A

THE WHITE HOUSE

WASHINGTON

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Sincerely,

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House of Representatives
Washington, D.C. 20515

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The Honorable Robert C. Byrd
President pro tempore
of the Senate
Washington, D.C. 20510

~~SECRET~~

EYES ONLY

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

October 7, 1993

INFORMATION

MEMORANDUM FOR ANTHONY LAKE

FROM: ALAN KRECZKO *AK*
SUBJECT: War Powers -- Somalia

The War Powers Group met yesterday, with Bernie Nussbaum attending. Our main focus was preparation of a draft report to Congress, which has been finalized today and is being sent to you by separate memo.

The Group also reviewed its conclusions of last week concerning the triggering of the WPR's provision on "hostilities" in light of the weekend's engagement with Aideed. The various General Counsels are now more divided on whether the WPR, if constitutional, has been triggered by recent events. The State Department Legal Adviser is most skeptical of our continuing ability to claim we are not in hostilities; DOD and JCS legal counsels remain strongly of the opposite view.

Walter Dellinger, Acting Assistant AG for the Office of Legal Counsel, reported that the AG was inclined toward the view that the hostilities threshold had been crossed even before the weekend's incidents. He said the AG would not make any pronouncements on the subject, but privately told Bernie and me that the AG would be very troubled if we were not in the process of obtaining authorization by November 15.

DECLASSIFIED E.O. 13526

White House Guidelines,

September 11, 2006

By KDE NARA, Date 0113/17
2012-0659-F

~~SECRET~~

Declassify on: OADR

~~please~~
~~hold~~

file: Somalia -
WPR

LFO

1037

ID:202-647-1037

OCT 1993

17:00 No.007 P.02

FINAL OSD/JCS

TEXTUAL REVISIONS

10 Nov - 10 1993

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ASSAULTS

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ASSAULTS ON

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WITHDRAW

INCIDENTS

ARMY PERSONNEL

PHOTOCOPY PRESERVATION

LEO

ID:202-647-1037

OCT 06'93 17:20 No.007 P.03

- 2 -

one U.S. Military person is
being detained by Aidid's
forces

13

U.S. personnel were killed, 86 were wounded and 5 are missing. ~~The total U.S. casualties during these encounters were 15 killed, 86 wounded and five missing.~~ UNOSOM forces of other nationalities suffered casualties as well. Every effort is being made to find and extract the missing U.S. personnel, and we have made it clear that Aidid and his followers will be held strictly responsible for any mistreatment of ~~those our personnel~~ personnel. I deeply regret these tragic losses, deaths and injuries.

LOSSES

THEIR CRIMINAL ACTS AND FOR

I have directed several measures to strengthen our ability to protect U.S. and other UNOSOM forces, and to enhance our ability to assist UNOSOM in carrying out its mandate to provide a secure environment for humanitarian relief. I have ordered the deployment to Somalia of additional U.S. personnel and equipment, which are intended to provide a more effective force-protection capability for UN contingents assigned to Mogadishu, as well as assist in the quick reaction force mission. These deployments will lessen the threat to U.S. and other UN forces assigned in Somalia.

UNDER US COMMAND

OF THESE FORCES

These deployments have been made pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. They are consistent with the differing versions of a proposed joint resolution adopted separately by the Senate on February 4 and the House on May 25. I welcome the support expressed in these resolutions for our efforts in Somalia, and I strongly desire to cooperate fully with the Congress in continuing this essential humanitarian effort.

LOOK FORWARD TO

CONTINUING OUR CONSULTATIONS

Sincerely,

PHOTOCOPY PRESERVATION



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20301-16

TELECOPIER MEMORANDUM

DATE: 10/7/93
TIME: 1100
TO: Alan Kreczko
(NAME)
(OFFICE) 201-395-1039
(FAX NUMBER)

FROM: A. Dyson
(NAME)
DOD/OGC (IA+T)
(OFFICE)

We are submitting 3 pages, including this Telecopier Memorandum.

If you do not receive all pages, please call Della
at (703) 695-2604.

REMARKS: If you can't read marginal
comments, call Mr. Dyson at
703-697-9348.

PHOTOCOPY PRESERVATION

THE WHITE HOUSE

WASHINGTON

October 7, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BERNARD W. NUSSBAUM
COUNSEL TO THE PRESIDENT

SUBJECT: The War Powers Resolution and Somalia

The War Powers Resolution was passed in 1973, over President Nixon's veto, to increase congressional oversight of presidential decisions to deploy U.S. armed forces. The resolution applies to:

- the introduction of U.S. Armed Forces into foreign territory, waters or airspace while "equipped for combat;" and
- the introduction of U.S. forces (however equipped) "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

The War Powers Resolution requires that in either of these situations the President submit a written report to Congress within 48 hours of the introduction. In addition, in the event of introduction of forces into actual or imminent hostilities, the resolution requires:

- consultation with Congress "in every possible instance" prior to introducing forces in such situations; and
- the President to "terminate any use" of such forces within sixty days unless Congress has authorized their continued involvement. (The President may extend the 60-day period an additional 30 days if he "determines and certifies to Congress in writing that unavoidable military necessity respecting the safety" of the troops "requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.")

Previous Administrations have raised constitutional questions about the 60-day provisions of the War Powers Resolution, and your Administration has this question under review. All Administrations have, however, provided the reports called for by the resolution and consulted Congress whenever possible.

With respect to the deployment of U.S. troops to Somalia, we have acted consistently with the War Powers Resolution, both with respect to reports to Congress and consultations with Congress.

You have previously filed two reports on the deployment of U.S. armed forces to Somalia -- on June 10 and July 1 of this year. The June 10 report indicated that it was being filed "consistent with" the War Powers Resolution; the July 1 report was supplemental to the June report. The language "consistent with the War Powers resolution" has been used by past Administrations to avoid acknowledging the constitutionality of the War Powers Resolution. The NSC staff currently is preparing another supplemental report for your signature.

Questions may be raised as to whether the weekend's engagement constitute "hostilities," triggering the 60-day withdrawal provision. This is a difficult statutory and constitutional issue which we do not need to reach and should not comment on at this time. Congressional authorization for the continued deployment of our forces in Somalia would moot the issue.

Attachment

Tab A Talking Points: The War Powers Resolution and Somalia

Talking Points: Somalia -- War Powers Resolution

- I, together with my senior national security staff, have consulted extensively with Congress on the deployment of U.S. armed forces to Somalia, including as recently as this morning. I will ensure that such consultations with Congress continue.
 - In an effort to keep Congress fully informed regarding these deployments, I sent reports to Congress on June 10 and July 1, and we are preparing a supplementary letter to be sent later today.
 - I also intend to provide a full report to Congress on this situation by October 15 as requested in provisions of the Senate and House versions of the FY 1994 Defense Authorization Act.
 - I welcome Congressional authorization for the deployment of United States' forces in Somalia.
- [Q: What if Congress declines to authorize the continued deployment of U.S. troops?
- A: The House and Senate have each previously expressed its support for our mission in Somalia, and I believe that after careful reflection the Congress will support the course of action I have just outlined.
- Q: What if Congress votes to end the mission? Will you comply?
- A: Same answer.]
- With respect to these deployments, we have acted consistently with the War Powers Resolution, both in terms of reports to Congress and consultations with Congress.

*Somalia-
WPR*

United States Department of State

Washington, D.C. 20520

JUL 21 1993

Dear Senator Helms:

Thank you for your letter of June 15 (signed also by Congressman Gilman) to the Secretary regarding the War Powers Resolution and Somalia. I am pleased to respond on behalf of the Secretary.

You have raised several specific questions regarding whether U.S. Armed Forces in Somalia have been involved in "hostilities" since June for purposes of the War Powers Resolution. These questions all relate to the deployment that was the subject of a June 10 report to Congress by the President, and which was the subject of a supplemental report by the President on July 1. Your questions were raised in the context of section 5(b) of the War Powers Resolution, which provides that, absent Congressional action, the use of U.S. forces is to be terminated within 60 or 90 days after those forces have been introduced into hostilities or into situations where hostilities are clearly indicated by the circumstances.

In our view, no issue is presented of compliance with section 5(b) of the War Powers Resolution (regardless as to whether it is constitutional). We note at the outset that no previous Administration has considered that intermittent military engagements involving U.S. forces overseas, whether or not constituting "hostilities," would necessitate the withdrawal of such forces pursuant to section 5(b) of the Resolution. The War Powers Resolution provision on withdrawal sixty days after forces are introduced into hostilities (with certain exceptions) was intended to apply to sustained hostilities so as to ensure that the collective judgment of both Congress and the President would be applied to decisions about whether to go to war.

This is not the situation we face in Somalia. As summarized in the President's report of July 1, the significant involvement of the U.S. Quick Reaction Force in the United Nations operation against Aideed's forces and compound has not involved sustained military action. These activities have been

The Honorable
Jesse Helms,
Committee on Foreign Relations,
United States Senate.

PHOTOCOPY PRESERVATION

- 2 -

directed at those responsible for the murder or wounding of peacekeepers, as well as other criminal activity. While significant military force was used, our actions have been in support of the United Nations humanitarian mandate and have not been directed at the forces of a sovereign state, but rather at bandits or warlords. Moreover, as you know from the President's reports, U.S. Armed Forces have made important contributions to the United Nations-led military action in support of U.N. peacekeeping efforts in Somalia.

Finally, both the House and Senate have voted in favor of bills that would provide express statutory authority to participate in peacekeeping efforts in Somalia (including authority for purposes of the War Powers Resolution). As we have stated before, although we do not believe that specific statutory authority is necessary, the Administration welcomes such Congressional support for U.S. activities in Somalia.

I hope this is useful to you. We look forward to further discussions with you on this important issue. Please feel free to communicate with me if I can be of further assistance.

Sincerely,



Wendy R. Sherman
Assistant Secretary
Legislative Affairs

PHOTOCOPY PRESERVATION



OFFICE OF THE VICE PRESIDENT

WASHINGTON

S-212 U.S. Capitol Building
Washington, DC 20510PHONE
202-224-8391FAX
202-224-0291FAX COVER SHEET

TO:

Alan Kragh, NSC

FROM:

Chuck Allen2

pages (including cover)

COMMENTS:

Here's the agreed text as of 5:45.
Byrd will take the lead by
introducing this as a second
degree amendment, and will
speak for 40 minutes. Byrd
was the one who wanted the
mission and duration parase out,
but we don't know why.

*This transmission may contain information
that is sensitive or confidential in nature.
It's contents are intended for the recipient
ONLY.*

PHOTOCOPY PRESERVATION

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 operations" to one of internal security and nation building.

Statement of Congressional Policy:

a) Consultation with the Congress. - The President should continue to 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. *as set out in United Nations Security Council Resolution 794 of December 3, 1992)*

b) Mission. - The mission of the United States forces should be limited to ensuring a secure environment for humanitarian relief.

c) Duration. - United States forces should be withdrawn from Somalia as determined by the President and the Congress when no longer required to ensure a secure environment for humanitarian relief operations.

d) Planning. - The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.

e) Reporting Requirement. -

(i) The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a *statement describing* of the mission, 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 (d).

Command arrangements, size, functions, location, and anticipated duration in Somalia of those forces etc.

iii) should obtain

Congl. approval by

Nov. 15

Brian McKeon

4-0139

Leadership Incl.

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 operations to one of internal security and nation building.

Statement of Congressional Policy:

add a reference to UNSC 794.

a) Consultation with the Congress. - The President should continue to 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) Mission. - The mission of the United States forces should be limited to ensure a secure environment for humanitarian ~~relief~~ operations in Somalia. UN

c) Duration. - United States forces should be withdrawn from Somalia as soon as the need for such forces, as determined by the President and the Congress, is no longer required to ensure a secure environment for humanitarian ~~relief~~ operations to proceed.

to enable UN

d) Planning. - The United States shall begin planning to facilitate the assumption of the functions of U.S. forces by the United Nations.

e) ~~Goals and Objectives~~ - The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a statement of the mission of those forces, are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

f) Reporting Requirement. b) Such report to include the status of planning to transfer the functions contained in paragraph d).

and definition of a secure environment

AS Modified

AMENDMENT NO. _____

Calendar No. _____

Purpose: To limit further military operations in Somalia.

IN T

AMENDMENT No 782

1st Sess.

By **BYRD**To a Bill/Res. No. **S. 1298**ary
2 ary
art-
for
her**2 pages**

GPO : 1992 60-142 (m)

P.P.P.

2 pages

GPO : 1992 60-142 (m)

Referred

and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BYRD

Viz:

1 On page 242, strike out line 19 and insert in lieu
2 thereof the following:

3 crew of that historic warship.

4 **SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.**

5 (a) **LIMITATION.**—Effective 30 days after the date of
6 the enactment of this Act, funds available to the Depart-
7 ment of Defense may not be obligated for support of oper-
8 ations of the Armed Forces in Somalia except to the extent

AS Modified

1 authorized in a law enacted after the date of the enact-
2 ment of this Act.

3 (b) UNITED NATIONS ACTIONS IN SOMALIA.—(1)
4 Not later than ¹⁰~~30~~ days after the date of the enactment
5 of this Act, the Secretary of State shall ^{complete}~~conduct~~ a thor-
6 ough review of the purposes of United Nations policy and
7 actions in Somalia and submit to Congress a detailed as-
8 sessment of the purposes of such policy and actions.

9 (2) The President is requested and urged to ^{inform}~~direct~~

10 ~~the United States Representative to the United Nations~~ that the U
11 ~~and Representative in the Security Council to veto~~ States ~~that~~ will neither fund nor participate in

12 ~~(A) any proposed authorization by the United~~
13 ~~Nations Security Council of continued operations of~~
14 United Nations forces in Somalia after October 31,
15 1993, ~~and~~

16 ~~(B) any proposed authorization by the United~~
17 ~~Nations Security Council of funding for continued~~
18 ~~operations of United Nations forces in Somalia after~~
19 ~~that date,~~

20 except to the extent authorized in a law enacted after the
21 date of the enactment of this Act.

SUGGESTED TALKING POINTS FOR SOMALIA CALLS

- I'm calling to ask you support for the compromise Somalia amendment that we expect to be offered by the Leadership as a substitute to the Byrd amendment to the Defense Authorization bill.
- The President is strongly opposed to the Byrd amendment because it could have the effect of requiring the premature withdrawal of US forces from Somalia.
- A fixed date for withdrawal threatens to undercut the success of our mission and undermine the substantial investment we have already made there to end the hundreds of thousands of deaths from famine and disease.
- We understand that Congress wants a clearer definition of our mission in Somalia, and we understand that there is great eagerness to see our troops come home as soon as possible.
- The President is committed to working with Congress on those objectives, but he believes that the Byrd amendment would not be helpful to our interests at this time.
- Do you have a sense of your position on the Leadership compromise?

[IF ASKED WHETHER THE ADMINISTRATION SUPPORTS THE COMPROMISE LANGUAGE:]

- It's not exactly how we would have written it, but we are urging that you support it.

[IF ASKED WHY A DATE-CERTAIN WITHDRAWAL IS A BAD IDEA:]

- Leaving too soon would invite the return of the warlords, the starvation and mass deaths. It would waste the heroic investment of money and troops we just made. It would send a signal of American irresolution to the world.



ID:

AUG 20 '93

17:23 No.009 P.01

Washington, D C 20520

Office of the Legal Adviser

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Name:

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Evan T. Bloom - L/UNA

Telephone:

(202) 647-6771

COMMENTS:

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/RES/814 (1993)
26 March 1993

RESOLUTION 814 (1993)

Adopted by the Security Council at its 3188th meeting,
on 26 March 1993

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, 775 (1992) of 28 August 1992 and 794 (1992) of 3 December 1992,

Bearing in mind General Assembly resolution 47/167 of 18 December 1992,

Commending the efforts of Member States acting pursuant to resolution 794 (1992) to establish a secure environment for humanitarian relief operations in Somalia,

Acknowledging the need for a prompt, smooth and phased transition from the Unified Task Force (UNITAF) to the expanded United Nations Operation in Somalia (UNOSOM II),

Regretting the continuing incidents of violence in Somalia and the threat they pose to the reconciliation process,

Deploing the acts of violence against persons engaging in humanitarian efforts on behalf of the United Nations, States, and non-governmental organizations,

Noting with deep regret and concern the continuing reports of widespread violations of international humanitarian law and the general absence of the rule of law in Somalia,

Recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

Acknowledging the fundamental importance of a comprehensive and effective programme for disarming Somali parties, including movements and factions,

Noting the need for continued humanitarian relief assistance and for the rehabilitation of Somalia's political institutions and economy,

Concerned that the crippling famine and drought in Somalia, compounded by the civil strife, have caused massive destruction to the means of production and the natural and human resources of that country,

Expressing its appreciation to the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the Non-Aligned Movement for their cooperation with, and support of, the efforts of the United Nations in Somalia,

Further expressing its appreciation to all Member States which have made contributions to the Fund established pursuant to paragraph 11 of resolution 794 (1992) and to all those who have provided humanitarian assistance to Somalia,

Commending the efforts, in difficult circumstances, of the initial United Nations Operation in Somalia (UNOSOM) established pursuant to resolution 751 (1992),

Expressing its appreciation for the invaluable assistance the neighbouring countries have been providing to the international community in its efforts to restore peace and security in Somalia and to host large numbers of refugees displaced by the conflict and taking note of the difficulties caused to them due to the presence of refugees in their territories,

Convinced that the restoration of law and order throughout Somalia would contribute to humanitarian relief operations, reconciliation and political settlement, as well as to the rehabilitation of Somalia's political institutions and economy,

Convinced also of the need for broad-based consultations and deliberations to achieve reconciliation, agreement on the setting up of transitional government institutions and consensus on basic principles and steps leading to the establishment of representative democratic institutions,

Recognizing that the re-establishment of local and regional administrative institutions is essential to the restoration of domestic tranquillity,

Encouraging the Secretary-General and his Special Representative to continue and intensify their work at the national, regional and local 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,

Expressing its readiness to assist the people of Somalia, as appropriate, on a local, regional or national level, to participate in free and fair elections, with a view towards achieving and implementing a political settlement,

/...

Welcoming the progress made at the United Nations-sponsored Informal Preparatory Meeting on Somali Political Reconciliation in Addis Ababa from 4 to 15 January 1993, in particular the conclusion at that meeting of three agreements by the Somali parties, including movements and factions, and welcoming also any progress made at the Conference on National Reconciliation which began in Addis Ababa on 15 March 1993,

Emphasizing the need for the Somali people, including movements and factions, to show the political will to achieve security, reconciliation and peace,

Noting the reports of States concerned of 17 December 1992 (S/24976) and 19 January 1993 (S/25126) and of the Secretary-General of 19 December 1992 (S/24992) and 26 January 1993 (S/25168) on the implementation of resolution 794 (1992),

Having examined the report of the Secretary-General of 3 March 1993 (S/25354 and Add.1 and 2),

Welcoming the intention of the Secretary-General to seek maximum economy and efficiency and to keep the size of the United Nations presence, both military and civilian, to the minimum necessary to fulfil its mandate,

Determining that the situation in Somalia continues to threaten peace and security in the region,

A

1. Approves the report of the Secretary-General of 3 March 1993;
2. Expresses its appreciation to the Secretary-General for convening the Conference on National Reconciliation for Somalia in accordance with the agreements reached during the Informal Preparatory Meeting on Somali Political Reconciliation in Addis Ababa in January 1993 and for the progress achieved towards political reconciliation in Somalia, and also for his efforts to ensure that, as appropriate, all Somalis, including movements, factions, community leaders, women, professionals, intellectuals, elders and other representative groups are suitably represented at such conferences;
3. Welcomes the convening of the Third United Nations Coordination Meeting for Humanitarian Assistance for Somalia in Addis Ababa from 11 to 13 March 1993 and the willingness expressed by Governments through this process to contribute to relief and rehabilitation efforts in Somalia, where and when possible;
4. Requests the Secretary-General, through his Special Representative, and with assistance, as appropriate, from all relevant United Nations entities, offices and specialized agencies, to provide humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national

reconciliation, in accordance with the recommendations contained in his report of 3 March 1993, including in particular:

(a) To assist in the provision of relief and in the economic rehabilitation of Somalia, based on an assessment of clear, prioritized needs, and taking into account, as appropriate, the 1993 Relief and Rehabilitation Programme for Somalia prepared by the United Nations Department of Humanitarian Affairs;

(b) To assist in the repatriation of refugees and displaced persons within Somalia;

(c) To assist the people of Somalia to promote and advance political reconciliation, through broad participation by all sectors of Somali society, and the re-establishment of national and regional institutions and civil administration in the entire country;

(d) To assist in the re-establishment of Somali police, as appropriate at the local, regional or national level, to assist in the restoration and maintenance of peace, stability and law and order, including in the investigation and facilitating the prosecution of serious violations of international humanitarian law;

(e) To assist the people of Somalia in the development of a coherent and integrated programme for the removal of mines throughout Somalia;

(f) To develop appropriate public information activities in support of the United Nations activities in Somalia;

(g) To create conditions under which Somali civil society may have a role, at every level, in the process of political reconciliation and in the formulation and realization of rehabilitation and reconstruction programmes;

B

Acting under Chapter VII of the Charter of the United Nations,

5. Decides to expand the size of the UNOSOM force and its mandate in accordance with the recommendations contained in paragraphs 56-88 of the report of the Secretary-General of 3 March 1992, and the provisions of this resolution;

6. Authorizes the mandate for the expanded UNOSOM (UNOSOM II) for an initial period through 31 October 1993, unless previously renewed by the Security Council;

7. Emphasizes the crucial importance of disarmament and the urgent need to build on the efforts of UNITAF in accordance with paragraphs 56-69 of the report of the Secretary-General of 3 March 1993;

/...

8. Demands that all Somali parties, including movements and factions, comply fully with the commitments they have undertaken in the agreements they concluded at the Informal Preparatory Meeting on Somali Political Reconciliation in Addis Ababa, and in particular with their Agreement on Implementing the Cease-fire and on Modalities of Disarmament (S/25168, annex III);

9. Further demands that all Somali parties, including movements and factions, take all measures to ensure the safety of the personnel of the United Nations and its agencies as well as the staff of the International Committee of the Red Cross (ICRC), intergovernmental organizations and non-governmental organizations engaged in providing humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation;

10. Requests the Secretary-General to support from within Somalia the implementation of the arms embargo established by resolution 733 (1992), utilizing as available and appropriate the UNOSOM II forces authorized by this resolution, and to report on this subject, with any recommendations regarding more effective measures if necessary, to the Security Council;

11. Calls upon all States, in particular neighbouring States, to cooperate in the implementation of the arms embargo established by resolution 733 (1992);

12. Requests the Secretary-General to provide security, as appropriate, to assist in the repatriation of refugees and the assisted resettlement of displaced persons, utilizing UNOSOM II forces, paying particular attention to those areas where major instability continues to threaten peace and security in the region;

13. Reiterates its demand that all Somali parties, including movements and factions, immediately cease and desist from all breaches of international humanitarian law and reaffirms that those responsible for such acts be held individually accountable;

14. Requests the Secretary-General, through his Special Representative, to direct the Force Commander of UNOSOM II to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia, taking account of the particular circumstances in each locality, on an expedited basis in accordance with the recommendations contained in his report of 3 March 1993, and in this regard to organize a prompt, smooth and phased transition from UNITAF to UNOSOM II;

C

15. Requests the Secretary-General to maintain the fund established pursuant to resolution 794 (1992) for the additional purpose of receiving contributions for maintenance of UNOSOM II forces following the departure of

/...

S/RES/814 (1993)

Page 6

UNITAF forces and for the establishment of Somali police, and calls on Member States to make contributions to this fund, in addition to their assessed contributions;

16. Expresses appreciation to the United Nations agencies, intergovernmental and non-governmental organizations and the ICRC for their contributions and assistance and requests the Secretary-General to ask them to continue to extend financial, material and technical support to the Somali people in all regions of the country;

17. Requests the Secretary-General to seek, as appropriate, pledges and contributions from States and others to assist in financing the rehabilitation of the political institutions and economy of Somalia;

18. Requests the Secretary-General to keep the Security Council fully informed on action taken to implement the present resolution, in particular to submit as soon as possible a report to the Council containing recommendations for establishment of Somali police forces and thereafter to report no later than every ninety days on the progress achieved in accomplishing the objectives set out in the present resolution;

19. Decides to conduct a formal review of the progress towards accomplishing the purposes of the present resolution no later than 31 October 1993;

20. Decides to remain actively seized of the matter.

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English
Page 12

UNOSOM II to assume responsibility for the operation of a daily newspaper and a radio station, which are currently managed by the United States under UNITAF.

VI. THE MODALITIES FOR TRANSITION FROM UNITAF TO UNOSOM II

The present situation

54. The Security Council, acting under Chapter VII of the Charter of the United Nations, had authorized the Secretary-General and certain Member States to establish as soon as possible a secure environment for humanitarian relief operations in Somalia.

55. There is no doubt that the presence and operations of UNITAF have had, especially during the initial period of its deployment, a positive impact on the security situation in Somalia and on the effective delivery of humanitarian assistance. However, as indicated in paragraphs 19 and 20 above, this improvement cannot yet be regarded as irreversible and conditions are still volatile. The security threat to personnel of the United Nations and its agencies, UNITAF, ICRC and NGOs is still high in some areas of the city of Mogadishu and other places in Somalia. As mentioned above, UNITAF has deployed only in the central and southern parts of the country. Disarmament is far from complete.

The new mandate

56. The Council will now have to consider whether to authorize an enlargement of UNOSOM and redefine its mandate to include operations under Chapter VII of the Charter. The consequence of such a decision would be far-reaching for political, legal and logistical reasons and would entail a major financial commitment. The view which I have conveyed to the Security Council during the last two months is still current and valid: without improved security all over the country the political process cannot prosper and humanitarian operations will remain vulnerable to disruption. I have, therefore, devoted a great deal of my efforts to ensure that parallel steps are taken: cease-fire and reconciliation mechanisms, disarmament and creation of a civilian police force, rehabilitation alongside political dialogue. I have insisted with all the factions and elders that it is up to them to change the course of violence towards peace and I have assured them that the international community stands ready to support their efforts in this direction.

57. My firm view, as stated in my letter to President Bush of 8 December 1992, remains that the mandate of UNOSOM II must cover the whole territory of Somalia and include disarmament. Moreover, as indicated in my report of 19 December 1992 (S/24992), UNOSOM II's mandate will include the following military tasks:

(a) To monitor that all factions continue to respect the cessation of hostilities and other agreements to which they have agreed, particularly the Addis Ababa agreements of January 1993;

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English
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(b) To prevent any resumption of violence and, if necessary, take appropriate action against any faction that violates or threatens to violate the cessation of hostilities;

(c) To maintain control of the heavy weapons of the organized factions which will have been brought under international control pending their eventual destruction or transfer to a newly constituted national army;

(d) To seize the small arms of all unauthorized armed elements and to assist in the registration and security of such arms;

(e) To secure or maintain security at all ports, airports and lines of communications required for the delivery of humanitarian assistance;

(f) To protect, as required, the personnel, installations and equipments of United Nations and its agencies, ICRC as well as NGOs and to take such forceful action as may be required to neutralize armed elements that attack, or threaten to attack, such facilities and personnel, pending the establishment of a new Somali police force which can assume this responsibility;

(g) To continue the programme for mine-clearing in the most afflicted areas;

(h) To assist in the repatriation of refugees and displaced persons within Somalia;

(i) To carry out such other functions as may be authorized by the Security Council.

58. It is clear to me that the effort undertaken by UNITAF to establish a secure environment in Somalia is far from complete and in any case has not attempted to address the situation throughout all of Somalia. Moreover, there have been, especially recently, some disheartening reverses. Accordingly, the threat to international peace and security which the Security Council ascertained in the third preambular paragraph of resolution 794 (1992) is still in existence. Consequently UNOSOM II will not be able to implement the above mandate unless it is endowed with enforcement powers under Chapter VII of the Charter.

Cease-fire and disarmament concept

59. In my report of 26 January 1993 (S/25168), I informed the Council of the agreements reached at the informal preparatory meeting for a Conference on National Reconciliation and Unity held in Addis Ababa from 4 to 15 January 1993. Annex III to that report, "Agreement on implementing the cease-fire and on modalities of disarmament", concluded that it would enter into force on 15 January 1993. Paragraph 1.2 stipulates that the militias of all political movements shall be encamped and disarmed simultaneously throughout Somalia and that the international community "will be requested to

/...

PHOTOCOPY PRESERVATION

S/25354

English

Page 14

provide the encamped militias with upkeep". Paragraph 1.3 requires that the future of the encamped militias shall be decided at the time of the final political settlement in Somalia.

60. On the basis of the Addis Ababa agreements, a combined planning committee composed of senior officers from both UNITAF and UNOSOM has developed a Somalia cease-fire disarmament concept.

61. Under this concept, the disarmament process would be continuous and irreversible. It would continue as long as required or until a Somali Government was functioning effectively. A standardized and simple process would be used to disarm all factions. Once a faction had committed itself to disarmament by placing its heavy weapons in cantonment sites or relinquishing its small arms at a transition site, it would not be entitled to reclaim those weapons.

62. Throughout the process, it would be useful to keep the major faction leaders informed about progress in disarming all the factions. This would place political pressure on factions that seek to delay or fail to comply with the disarmament process and would provide a sense of security for the factions complying with that process.

63. To be effective the disarmament process should be enforceable. Those factions or personnel who fail to comply with timetables or other modalities of the process would have their weapons and equipment confiscated and/or destroyed.

64. As called for in the Addis Ababa agreements, both the cease-fire and the disarmament process should be carried out under modalities agreed to by the Somalis themselves under the supervision and with the cooperation of UNOSOM II.

65. The concept outlined above would require the establishment of cantonment and transition sites. A cantonment is defined as a location where heavy weapons, including all crew-served weapons and anti-armour weapons/rockets, would be stored. A transition site is defined as a location where factional forces would be given temporary accommodation while they turned in their small arms, registered for future governmental and non-governmental support and received guidance and training for their eventual reintegration in civilian life.

66. Cantonment sites should be designated in the vicinity of current force locations. Transition sites should be selected by the United Nations after consultation with the Somali factions. Cantonment and transition sites should be separated from each other to prevent any temptation by factions or groups to seize the heavy weapons.

67. A committee composed of United Nations and faction representatives should jointly determine those heavy weapons which would be an asset to a new Somali national army and which would be retained in the cantonments and the rest would be destroyed. The heavy weapons should be delivered to cantonment sites

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by faction personnel before they proceed to the transition sites. Cantonment site security would be the responsibility of UNOSOM II.

68. Some personnel in the transition sites should be allowed to retain a limited number of small arms for security purposes. Accommodation in the new sites should be temporary, pending relocation and reintegration in civilian society. The transition sites should at all times be open for verification by UNOSOM. Limited assistance would be offered by the United Nations in transporting faction personnel to the transition sites. Transition sites within each region/geographical area would be occupied simultaneously, in order to provide a sense of security for all participants.

69. The operational concept outlined above is based on the assumption that UNOSOM will assist in implementing the Addis Ababa agreements. Both UNITAF and my staff are aware of the administrative and financial problems that will arise in the storage of heavy weapons and in the accommodation and upkeep of demobilized militias for an indeterminate period of time. I consider however that alternative methods, such as material or financial incentives for disarmament, should be considered an option to be kept under review in the light of the experience that will be gathered in this process.

Military concept of operations

70. The strength of the forces required to implement such a mandate would have to be substantial in the early stage in order to minimize the risk of any deterioration in the security conditions and to ensure a secure environment as quickly as possible both in those areas covered by UNITAF and in those that are not. It could be reduced progressively as the political process advances and the new police force becomes operational.

71. It is estimated that it would be necessary to deploy a military component of 20,000 all ranks to carry out the assigned tasks and an additional 8,000 personnel to provide the logistic support required. The logistic contingent, the bulk of which would initially come from UNITAF, will constitute an integral part of UNOSOM. I have also received an understanding from the United States Government that a tactical quick reaction force would be available in support of the Force Commander of UNOSOM II; a memorandum of understanding will be concluded between the United States and UNOSOM during the transfer phase.

72. To put the proposed strength in perspective, it is useful to bear in mind that UNITAF, with an initial strength of 37,000, is deployed in 40 per cent of the territory. It might be asked why in that case the recommendation is for a total military component of only 28,000 for deployment in the entire territory of Somalia.

73. At the beginning of the operation, UNITAF introduced into the theatre a large force of approximately 37,000, including approximately 8,000 at sea, in order to break down resistance and take control of the situation. Once this was done and organized fighting with heavy weapons had largely ceased, the

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requirements were scaled down. At present there are approximately 28,400 UNITAF forces ashore, including heavy construction forces. The task at hand now is to control sporadic and localized fighting and can therefore be dealt with by fewer troops. Secondly, intelligence-gathering capabilities that have been developed on the ground will give UNOSOM warning of violent situations developing and allow the Force Commander to readjust his troop deployment. Thirdly, it is believed that the establishment of an auxiliary police force should help in improving law and order and in releasing UNOSOM soldiers from guard duties for other more demanding tasks. Lastly, a tactical quick reaction force will be available at the request of the Force Commander.

74. In the light of the above, I am prepared to accept the above-mentioned recommendations at this stage, given the need for maximum economy and efficiency and my constant endeavour to keep the size of the United Nations presence in any situation to the minimum. However, I should like to emphasize that I must reserve my right to revert to the Council in case I feel the need for additional troops to increase the strength of UNOSOM II, depending on the progress made in establishing a secure environment throughout the country. In conclusion I must point out that the security conditions in Somalia might compel me periodically to review the troop strength required to implement the mandate of UNOSOM II.

75. The force mentioned in paragraph 71 above will include:

- (a) A Force headquarters;
- (b) Five brigades;
- (c) A logistic support group.

76. The logistic support group would, in the first and second phases, be provided mainly by the UNITAF logistics forces, until UNOSOM II can establish the necessary logistic support through organic forces or by contract. I would like to stress however that the ability of UNOSOM to carry out its mandate will depend on critical logistical and other support from the United States, including a tactical quick reaction force.

77. The combat forces would need the following capabilities:

- (a) Patrolling and close-combat;
- (b) Information-gathering and interpretation;
- (c) Indirect fire;
- (d) Anti-armour fire;
- (e) All-weather night and day operations;
- (f) Casualty evacuation;

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(g) Tactical communications;

(h) Air support (fire power and transport).

78. The UNOSOM Force Commander would report directly to the Secretary-General's Special Representative. Areas of operations would be allocated to brigade commanders who would report directly to the UNOSOM II Force Commander. These commanders would be responsible for conducting military operations and assisting in the implementation of cease-fire/disarmament agreements in their respective areas of operations. A tactical quick reaction force of at least battalion strength to be provided by the United States will be available in support of UNOSOM II.

79. UNOSOM military operations would be conducted in four phases:

Phase I - Transition from UNITAF;

Phase II - Consolidation and expansion of security;

Phase III - Transfer to civilian institutions;

Phase IV - Redeployment.

These phases are not meant to be applied rigidly or uniformly throughout Somalia, but merely describe a general sequence. For example, some areas of operations might be implementing phase III while in another area phase I or II would still be in effect. The exact timing of transition from phase to phase would be determined to a large extent by political reconciliation efforts and rehabilitation programmes. The Force Commander may shift forces within country to meet these changing requirements.

Phase I

80. In this phase, military operations would concentrate on the transition of operational control from UNITAF to UNOSOM II. Military support to relief activity and the disarming of factions would continue throughout the transition.

81. Prior to the UNOSOM II Force Commander's formal assumption of operational responsibility from UNITAF, certain preparatory steps would be required. The expansion of UNOSOM II Force headquarters would have to continue until it was operationally capable. UNITAF would have to ensure that subordinate elements that would remain in Somalia under UNOSOM II were given appropriate command and control structures. The United States Government would be asked to form a tactical quick reaction force to support UNOSOM II's Force Commander.

82. Upon receipt of a joint recommendation by the Commander of UNITAF and the UNOSOM II Force Commander, I would approve UNOSOM II's assumption of operational responsibility for the unit or units concerned. At the appropriate stage the UNOSOM II Force Commander would also take over the

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logistic support forces previously controlled by UNITAF. In all phases, the United States tactical quick reaction force would be placed in support of the UNOSOM II Force Commander.

83. When the UNOSOM II Force Commander has assumed operational responsibility within an area of operation, UNITAF personnel in that area of operation will be redeployed to their countries of origin at the discretion of their Government(s) and under the protection of UNOSOM II troops.

84. This phase would be complete when all UNITAF forces participating in UNOSOM, as well as other forces provided by other troop-contributing countries, have been placed under operational control of the UNOSOM II Force Commander.

Phase II

85. Military operations in phase II would be designed to consolidate United Nations operational control over all assigned elements and designated activity. Continued efforts to assist relief activity and participate in the implementation of the Addis Ababa agreements would involve all military forces. Operations would be extended into northern Somalia, based on the port cities of Berbera and Bossasso, and moving to Hargeisa and Garoe. UNOSOM II military forces would assist any new humanitarian initiatives started in this region, particularly mine-clearance projects as addressed above. Phase II would conclude when UNOSOM II was deployed and operating effectively throughout Somalia and the border regions.

Phase III

86. In this period, major efforts would be made to reduce military activity and assist civil authorities to exercise greater responsibility, according to their ability to do so. National rehabilitation and reconciliation initiatives under Somali leadership would be encouraged and supported by United Nations representatives. Military presence might be scaled down in the more stable areas and the tempo of military operations reduced as circumstances allow. Phase III would end when a Somali national police force was operational and major United Nations military operations were no longer required.

Phase IV

87. At an appropriate stage, I would make a recommendation to the Council to redeploy or reduce the forces.

Rules of engagement

88. The rules of engagement would be defined by the UNOSOM II Force Commander. They would authorize and direct commanders to take certain specific actions if they were judged necessary to fulfil the mandate.

Brian McKoon 4-0139

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 operations to one of internal security and nation building.

Statement of Congressional Policy:

a) Consultation with the Congress. - The President should continue to 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.

primary UN
b) Mission. - The mission of the United States forces should be to ensure a secure environment for humanitarian ~~relief~~ operations in Somalia.

to enable UN
c) Duration. - United States forces should be withdrawn from Somalia as soon as the need for such forces, as determined by the President and the Congress, is no longer required to ensure a secure environment for humanitarian ~~relief~~ operations to proceed.

d) Planning. - The United States shall begin planning to facilitate the assumption of the functions of U.S. forces by the United Nations.

the maintenance of
e) ~~Goals and Objectives~~ - The President shall ensure that the goals and objectives supporting deployment of U.S. forces to Somalia and a statement of the mission of those forces, are clearly articulated and provided in a detailed report to the Congress by October 15, 1993.

f) Reporting Requirement. *and definition of a secure environment*
Such report to include the status of planning to transfer the functions contained in paragraph d).

AS Modified

AMENDMENT NO. _____ Calendar No. _____

Purpose: To limit further military operations in Somalia.

IN T

AMENDMENT No 782

1st Sess.

By *BYRD*

To a Bill/Res. No. *S. 1298*

2 pages

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GPO : 1992 - 80-142 (m)

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2 pages

GPO : 1992 - 80-142 (m)

Referred

and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BYRD

Viz:

1 On page 242, strike out line 19 and insert in lieu
2 thereof the following:

3 crew of that historic warship.

4 SEC. 1067. INVOLVEMENT OF ARMED FORCES IN SOMALIA.

5 (a) LIMITATION.—Effective 30 days after the date of
6 the enactment of this Act, funds available to the Depart-
7 ment of Defense may not be obligated for support of oper-
8 ations of the Armed Forces in Somalia except to the extent

PHOTO *AS Modified* PRESERVATION

1 authorized in a law enacted after the date of the enact-
2 ment of this Act.

3 (b) UNITED NATIONS ACTIONS IN SOMALIA.—(1)

4 Not later than ¹⁰~~30~~ days after the date of the enactment
5 of this Act, the Secretary of State shall ^{complete}~~conduct~~ a thor-
6 ough review of the purposes of United Nations policy and
7 actions in Somalia and submit to Congress a detailed as-
8 sessment of the purposes of such policy and actions.

9 (2) The President is requested and urged to ^{inform}~~direct~~

10 ~~the United States Representative to the United Nations~~ that the United
11 ~~States ~~that~~ will neither fund nor participate in~~
12 ~~and Representative in the Security Council to veto~~

12 ~~(A) any proposed authorization by the United~~
13 ~~Nations Security Council of continued operations of~~
14 ~~United Nations forces in Somalia after October 31,~~
15 ~~1993, and~~

16 ~~(B) any proposed authorization by the United~~
17 ~~Nations Security Council of funding for continued~~
18 ~~operations of United Nations forces in Somalia after~~
19 ~~that date,~~

20 except to the extent authorized in a law enacted after the
21 date of the enactment of this Act.



OFFICE OF THE VICE PRESIDENT

WASHINGTON

S-212 U.S. Capitol Building
Washington, DC 20510PHONE
202-224-8391FAX
202-224-0291FAX COVER SHEET

TO: Alan Kreczko, NSC Legal Adviser

FROM: Chuck Allen, State 4/PM

2 pages (including cover)

COMMENTS: As of 3:00, this appears to be the
agreed upon language. Apparently
the Administration indicated
acceptance with the addition
of "Congress believes" in (f).

*This transmission may contain information
that is sensitive or confidential in nature.
It's contents are intended for the recipient
ONLY.*

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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) Mission. - The mission of the United States forces should be limited to ensuring a secure environment for humanitarian relief.
- c) Duration. - United States forces should be withdrawn from Somalia as determined by the President and the Congress when no longer required to ensure a secure environment for humanitarian relief operations.
- d) Planning. - The United States shall facilitate the assumption of the functions of U.S. forces by the United Nations.
- e) 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 (d).
- f) Congressional Approval. - Upon reporting under the requirements of paragraph (e) Congress believes the President should by November 15, 1993, seek and receive Congressional authorization for the continued deployment of U.S. forces to Somalia.

file: WPR - Somalia

Dear Senator Helms:

Thank you for your letter (signed also by Congressman Gilman) to the Secretary regarding the War Powers Resolution and Somalia. I am pleased to respond on behalf of the Secretary.

You have raised several specific questions regarding whether U.S. Armed Forces in Somalia have been involved in "hostilities" since June for purposes of the War Powers Resolution. These questions all relate to the deployment that was the subject of a June 10 report to Congress by the President, and which was the subject of a supplemental report by the President on July 1.

As you know from the President's reports, U.S. Armed Forces made important contributions to the United Nations-led military action in support of U.N. peacekeeping efforts in Somalia. This action was directed at those responsible for the murder or wounding of peacekeepers, as well as other criminal activity.

While significant military force was used, it is not clear that this action constituted involvement in "hostilities" within the meaning of the War Powers Resolution. Our actions in support of the United Nations humanitarian mandate were not directed at the forces of a sovereign state, and it is not clear that military action against bandits or warlords should be elevated to the status of hostilities for War Powers purposes. (For example, the Reagan Administration expressed substantial doubt that certain counter-terrorism activities by the Armed Forces constitute the kind of hostilities between sovereign States contemplated by the War Powers Resolution.)

In any event, as summarized in the President's report of July 1, the significant involvement of the U.S. Quick Reaction Force in the United Nations military operation against Aideed's forces and compound was of relatively short duration. The War Powers Resolution provision on withdrawal sixty days after forces are introduced into hostilities (with certain exceptions) was intended to ensure that Congress has a major role with respect to decisions to go to war, and in our view was intended to apply to sustained hostilities. This is not the situation we face in Somalia. Therefore, in our view, we doubt that an issue is presented of compliance with section 5(b) of the War Powers Resolution (regardless as to whether it is constitutional).

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- 2 -

Finally, both the House and Senate have voted in favor of bills that would provide express statutory authority to participate in peacekeeping efforts in Somalia (including authority for purposes of the War Powers Resolution). As we have stated before, we do not believe that specific statutory is necessary. However, the Administration welcomes such Congressional support for U.S. activities in Somalia.

I hope this is helpful to you. Your continued support on this important issue will be greatly appreciated.

Sincerely,

Wendy R. Sherman
Assistant Secretary
Legislative Affairs

PHOTOCOPY PRESERVATION

DEPARTMENT OF STATE
Office of the Legal Adviser (L)

FACSIMILE

Transmission Cover Sheet

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FTS:

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Name:

Alan Kreczko/Neal Wolin

Organization:

NSC Counsel

Building, Room #, etc.

Telephone/Extension:

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FTS: 647-1037

COMM: (202) 647-1037

Name:

Chuck Allen

Organization:

Office of the Legal Adviser

Building, Room #, etc.

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July 14, 1993

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CONTENTS / COMMENTS

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*Ed asked me to fax you
our latest draft of the
Helms response. Is this
OK to send to DOD? (as they
requested) to obtain final
clearance from McNeill/Boatman*

Office of the Legal Adviser

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Transmission Date: 10/5/93 Pages Transmitted: 6TRANSMITTED TO:Fax No.: 395-1039

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Name: Chuck Ailer
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Washington, DC 20520
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COMMENTS:

Neal,
Here are the Senate and House
passed Somalia resolutions (in
FY 94 Defense Authorization bills).
I faxed this to Mr. Neesbaum also.
Chuck

① AJR
② GLE

Somalia -
WFR

September 14 (legislative day, September 7), 1993

Ordered to be printed as passed

103D CONGRESS
1ST SESSION

S. 1298

AN ACT

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled;*

1 (BB-39), one of the first ships lost by the United
2 States Navy in World War II.

3 (5) That the memorial to the U.S.S. Indianap-
4 olis symbolizes the devoted service of the United
5 States Navy and Marine Corps personnel, particu-
6 larly those who lost their lives at sea in the Pacific
7 Theater during World War II, whose dedication and
8 sacrifice in the cause of liberty and freedom were in-
9 strumental in the triumph of the United States in
10 that war.

11 (6) That the citizens of the United States have
12 a continuing obligation to educate future generations
13 about the military and other historic endeavors of
14 this great Nation.

15 (b) RECOGNITION AS A NATIONAL MEMORIAL.—The
16 memorial to the U.S.S. Indianapolis (CA-35) in Indianap-
17 olis, Indiana, is hereby recognized as the national memo-
18 rial to the U.S.S. Indianapolis (CA-35) and to the final
19 crew of that historic warship.

20 **SEC. 1087. INVOLVEMENT OF ARMED FORCES IN SOMALIA.**

21 (a) SENSE OF CONGRESS REGARDING UNITED
22 STATES POLICY TOWARDS SOMALIA.—

23 (1) Since United States Armed Forces made
24 significant contributions under Operation Restore
25 Hope towards the establishment of a secure environ-

1 ment for humanitarian relief operations and restora-
2 tion of peace in the region to end the humanitarian
3 disaster that had claimed more than 300,000 lives.

4 (2) Since the mission of United States forces in
5 support of the United Nations appears to be evol-
6 ving from the establishment of "a secure environment
7 for humanitarian relief operations," as set out in
8 United Nations Security Council Resolution 794 of
9 December 3, 1992, to one of internal security and
10 nation building.

11 (b) STATEMENT OF CONGRESSIONAL POLICY.—

12 (1) CONSULTATION WITH THE CONGRESS.—

13 The President should consult closely with the Con-
14 gress regarding United States policy with respect to
15 Somalia, including in particular the deployment of
16 United States Armed Forces in that country, wheth-
17 er under United Nations or United States command.

18 (2) PLANNING.—The United States shall facili-
19 tate the assumption of the functions of United
20 States forces by the United Nations.

21 (3) REPORTING REQUIREMENT.—

22 (A) The President shall ensure that the
23 goals and objectives supporting deployment of
24 United States forces to Somalia and a descrip-
25 tion of the mission, command arrangements,

1 size, functions, location, and anticipated dura-
2 tion in Somalia of those forces are clearly ar-
3 ticulated and provided in a detailed report to
4 the Congress by October 15, 1993.

5 (B) Such report shall include the status of
6 planning to transfer the function contained in
7 paragraph (2).

8 (4) CONGRESSIONAL APPROVAL.—Upon report-
9 ing under the requirements of paragraph (3) Con-
10 gress believes the President should by November 15,
11 1993, seek and receive congressional authorization
12 in order for the deployment of United States forces
13 to Somalia to continue.

14 **SEC. 1068. SENSE OF THE CONGRESS REGARDING ESTAB-**
15 **LISHMENT OF AN OFFICE OF ECONOMIC CON-**
16 **VERSION INFORMATION WITHIN THE**
17 **DEPARTMENT OF COMMERCE.**

18 (a) FINDINGS.—The Congress makes the following
19 findings:

20 (1) The available Federal resources for defense
21 economic adjustment and conversion assistance are
22 spread among 23 different Federal departments and
23 agencies.



Office of the Legal Adviser

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Transmission Date: 10/5/93 Pages Transmitted: 6

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