

FOIA MARKER

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Folder Title:

[Somalia] [Folder 2] [3]

Staff Office-Individual:

Transnational Threats-Clarke, Richard

Original OA/ID Number:

2986

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49	3	10	2	v

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	From Samuel Berger, re: Somalia Core Group - Tasking (2 pages)	02/08/1993	P1/b(1)
001b. memo	John Clarke and John Ordway to Anthony Lake, re: Somalia PRD (1 page)	02/02/1993	P1/b(1)
001c. memo	[Duplicate of 001a] (2 pages)	02/08/1993	P1/b(1)
001d. memo	[Duplicate of 001a] (2 pages)	02/08/1993	P1/b(1)
002a. memo	John Ordway to Jonathan Howe, re: September 4 Deputies Committee Meeting on Somalia (2 pages)	09/03/1992	P1/b(1)
002b. paper	Somalia Discussion Paper (5 pages)	09/00/1992	P1/b(1)
003. cable	Re: U.S. Support for the Pakistani Forces in UNOSOM II (4 pages)	02/16/1993	P1/b(1)
004. paper	Somalia Policy: Near Term Decisions (5 pages)	01/26/1993	P1/b(1)
005. paper	Somalia Policy: Near Term Decisions (8 pages)	01/27/1993	P1/b(1)
006. paper	[Duplicate of 005] (8 pages)	01/27/1993	P1/b(1)
007. paper	[Duplicate of 005] (8 pages)	01/00/1993	P1/b(1)
008. paper	Draft Presidential Review Directive on Somalia (3 pages)	00/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

2012-0659-F
ke4203

RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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009a. paper	Presidential Review Directive/NSC-5 (2 pages)	02/08/1993	P1/b(1)
009b. memo	From Samuel Berger, re: Somalia Core Group - Taskings (2 pages)	02/08/1993	P1/b(1)
009c. memo	Frank Wisner to Mr. Tarnoff, re: Long Range Strategy for Somalia (3 pages)	03/03/1993	P1/b(1)

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WAR POWERS:

*Dick Clarke -
Thanks. Let's
talk in one
DM - S.*

We welcome Congressional support for U.S. participation in the humanitarian mission of the UN in Somalia and will act consistent with the War Powers Resolution and pursuant to the President's Authority as Commander in Chief.

*Provided
by
Gross*

PROPOSED LANGUAGE FROM WH LEGAL COUNSEL & NSC LEGISLATIVE AFFAIRS: }

We welcome Congressional support for U.S. participation in the humanitarian mission of the UN in Somalia. Consistent with the War Powers Resolution, we will proceed pursuant to the President's authority as Commander-in-Chief. ✓

*Provided
by
Gross*

PROPOSED LANGUAGE FROM STATE:

We welcome Congressional support for U.S. participation in the humanitarian mission in Somalia. While the Administration does not believe that specific statutory authorization for the deployment of troops to Somalia is necessary, the Administration is not opposed to the Resolution. X



United States Department of State

Washington, D. C. 20520

ACTION MEMORANDUM
S/S

~~CONFIDENTIAL~~

DECLASSIFIED E.O. 13526
Department of State Guidelines,
September 11, 2006

By VDE NARA, Date 02/09/17
2012-0659-F

TO: The Secretary

FROM: AF - Jeffrey Davidow, Acting
H - Robert A. Bradtke, Acting *HB*
L - Michael J. Matheson, Acting *MB*
IO - George F. Ward, Jr., Acting *GW*

SUBJECT: Somalia Congressional Resolution

ISSUE FOR DECISION

How to deal with a proposed Congressional joint resolution on U.S. involvement in Somalia.

ESSENTIAL FACTORS

Senators Mitchell, Dole, Pell and Helms have prepared a draft Joint Resolution (Tab 1) that would give formal statutory authorization for the use of U.S. Armed Forces in Somalia. Its sponsors intend to move it to the Senate floor this week, with passage by the Senate possible at that time. It would then go to the House, where passage would not be possible before the week of February 15.

It is very useful to have express Congressional support for the involvement of U.S. forces in Somalia, although we might have preferred that this not take the form of a formal statutory War Powers authorization (Analysis at Tab 2). We think that trying to recast the resolution (for example, as a sense-of-the-Congress resolution of support for the President's policy) is not worth the unhappiness that such an effort would likely cause among the sponsors, who could well see it as confrontational. In the alternative, the President, in signing the joint resolution, could state that he welcomes the Congressional action though it is not strictly necessary as a constitutional matter.

~~CONFIDENTIAL~~
DECL: OADR

~~CONFIDENTIAL~~

- 2 -

We may want, however, to suggest some technical changes: (1) to make clear that further statutory authorization would not be needed for our participation in the next phase of UN operations; and (2) to authorize details of U.S. military personnel to the UN, and support for other participants, notwithstanding certain restrictions in current statutes. (Possible language fixes to deal with these points, and an elaboration of the technical problems they address, are at Tab 3.) We will approach these issues in such a way as to demonstrate a cooperative spirit and a desire to work with Congress to improve the resolution.

Senate sponsors are pressing for immediate action and are not inclined to accept changes at this point. However, there will be more time to explore these matters when the resolution goes to the House. This will also give us the time we need to obtain interagency coordination on a specific strategy. In the meantime, we propose to send a Grossman-Lake memo (at Tab 4), outlining this course of action to NSC and seeking their concurrence.

RECOMMENDATION

That you approve the above course of action.

APPROVE _____ DISAPPROVE _____

Attachments: as stated.

Draft: L: M.Matheson *W*
X78460

Clear: PM:JPiazza
IO:JSpiro
AF:JByerly
P:HThomas

} h d

~~CONFIDENTIAL~~

103D CONGRESS
1ST SESSION

S. J. RES. _____

IN THE SENATE OF THE UNITED STATES

Mr. MITCHELL (for himself, Mr. DOLE, Mr. PELL and Mr. HELMS) introduced the following joint resolution; which was read twice and referred to the Committee on _____

JOINT RESOLUTION

Authorizing the use of United States Armed Forces in
Somalia.

Whereas an estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January 1991;

Whereas international relief agencies had been unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

Whereas Congress has expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Resolutions 258 and 132 and House of Representatives Resolution 370;

Whereas the United Nations Secretary General and United States officials had concluded that massive intervention in Somalia would be necessary to avert further starvation on this scale;

Whereas the United Nations Security Council on December 3, 1992, enacted Resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia";

Whereas President Bush began deploying United States armed forces on December 8, 1992, in response to United Nations Resolution 794;

Whereas more than 20,000 American servicemen and women are now in Somalia under Operation Restore Hope and have been joined by troops from many other nations;

Whereas President Bush has emphasized that United States Armed Forces will be withdrawn and that the security mission will be assumed by the United Nations' UNOSOM operation as soon as a "secure environment" for the delivery of food has been created; and

Whereas, on December 10, 1992, President Bush formally reported to Congress on the deployment of United States Armed Forces in Somalia: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled.*

3 **SECTION 1. SHORT TITLE.**

4 This joint resolution may be cited as the "Authoriza-

5 tion for Use of United States Armed Forces in Somalia".

1 SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES
2 ARMED FORCES.

3 (a) AUTHORIZATION.—The President is authorized to
4 use United States Armed Forces pursuant to United Na-
5 tions Security Council Resolution 794 in order to imple-
6 ment the Resolution, which authorizes the use of "all nec-
7 essary means to establish as soon as possible a secure en-
8 vironment for humanitarian relief operations in Somalia".

9 (b) WAR POWERS RESOLUTION REQUIREMENTS.—
10 Consistent with section 8(a)(1) of the War Powers Resolu-
11 tion, the Congress declares that this section is intended
12 to constitute specific statutory authorization within the
13 meaning of section 5(b) of the War Powers Resolution.
14 SEC. 3. SENSE OF CONGRESS.

15 It is the sense of Congress that the President should
16 consult with the Secretary General of the United Nations
17 and with the other member countries of the United Na-
18 tions Security Council to ensure that peacekeeping forces
19 from other countries of the United Nations are deployed
20 to Somalia to maintain a secure environment and to allow
21 United States Armed Forces to be withdrawn from Soma-
22 lia at the earliest possible date.

APPLICABILITY OF THE WAR POWERS RESOLUTION

It is very useful to have express Congressional support for the involvement of U.S. forces in Somalia. We might have preferred that this not take the form of a formal statutory War Powers authorization, in that this leaves the impression that it is required because U.S. forces have been (and will continue to be) involved in hostilities in Somalia, and the implication that statutory authorization will be required for the participation of U.S. forces in UN operations like UNITAF and UNOSOM II.

It is not clear exactly how the provisions of the War Powers Resolution technically apply to U.S. actions in Somalia. At the time of introduction of U.S. forces in early December, President Bush sent a report to Congress "consistent with the War Powers Resolution." This report satisfied the substance of the reporting requirements of section 4 of the Resolution, which apply when U.S. forces are introduced into foreign territory "while equipped for combat", or are introduced "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances"

However, section 5(b) of the Resolution further purports to require the President to withdraw forces introduced into such actual or imminent hostilities if Congress does not enact specific statutory authorization within 60 days. (We do not know whether the sponsors of the current resolution believe that this "60-day clock" has been triggered by the events in Somalia, but their draft resolution makes specific reference to section 5(b).)

It is not clear whether U.S. forces have been introduced into such actual or imminent hostilities in Somalia for the purpose of these provisions. There have been exchanges of fire with irregulars, and U.S. forces have initiated a few heavy (though brief) engagements. However, this has not amounted to a continuous involvement in hostile operations, and it remains the intent and expectation that U.S. forces will not be so engaged. Under these circumstances, it is not clear that U.S. forces have been introduced into hostilities for War Powers purposes, and reasonable to argue in any event that such intermittent involvement in hostile exchanges does not keep the 60-day clock running.

The Executive branch has, of course, questioned the constitutionality of the 60-day limitation in the past, and declined to accept it as a valid limit on the President's constitutional authority as Commander-in-Chief.

Possible Technical Changes to the Resolution

1. Authorization for the next stage. The current draft of the resolution authorizes use of U.S. forces only with respect to UNSCR 794, which authorized the present UNITAF operation. It would be undesirable to leave the implication that further statutory authorization would be required for U.S. forces to participate in UNOSOM II, which will take place under the authority of a Security Council resolution not yet adopted. This may not have been the intention of the sponsors, and in any event it would be easy to fix. For example, we could:

-- Rewrite section 2(a) to read: The President is authorized to use United States Armed Forces pursuant to United Nations Security Council resolutions in order to implement the resolutions, which authorize the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia." OR

-- Rewrite section 2(a) to read: The President is authorized to use United States Armed Forces in Somalia pursuant to the authorization of the United Nations Security Council, including the use of all necessary means to establish a secure environment for humanitarian relief operations in Somalia. OR

-- Hold the Congressional resolution until the UNOSOM II Security Council resolution is adopted, and then cite that resolution in section 2(a) in addition to UNSCR 794.

2. Detailing and support for other participants. It would be useful, if possible, to add language to the current resolution on two points that would facilitate our involvement in the next phase. First, the UN Participation Act limits the detailing of U.S. military personnel to the UN under the Act to Chapter VI (peacekeeping) operations and to a world-wide total of 1,000 personnel. The UNOSOM II operation is likely to be a Chapter VII (enforcement) operation, and we may need to detail several thousand U.S. military personnel. We could use other statutory authority to detail additional personnel, or try to reach agreement with the UN on command arrangements that do not involve the detailing of U.S. personnel, but we might encounter resistance either from the UN or the Committees in doing so.

~~CONFIDENTIAL~~

DECLASSIFIED E.O. 13526
Department of State Guidelines,
September 11, 2006

By KDE NARA, Date 02/09/17

2012-0659-F

CONFIDENTIAL

- 2 -

Second, we may have some statutory problems in providing military equipment and assistance to other troop contributors to enable them to participate in UNOSOM II; Pakistan, in particular, is subject to the Pressler Amendment, which prohibits U.S. assistance or transfer of military equipment. We can probably work around these problems by using certain special statutory authorities or transferring the equipment through the UN; but these special authorities have fiscal year ceilings which we may not want to use up if we can avoid it, and there may be resistance from the Committees to a permissive interpretation of the Pressler Amendment.

A few short additions, along one of the following lines, would fix these problems:

-- Amend section 2(a) to read: The President is authorized to use (either directly or through detail to the United Nations) United States Armed Forces . . . , and to provide support to the United Nations and other countries participating in UN operations in Somalia notwithstanding any other provision of law. OR

-- Same as the above, but replace the last six words with: . . . notwithstanding the limitations in section 7(a) of the United Nations Participation Act.

~~CONFIDENTIAL~~

UNCLASSIFIED

MEMORANDUM FOR ANTHONY LAKE
THE WHITE HOUSE

Subject: Somalia

Senators Mitchell, Dole, Pell, and Helms have prepared the attached draft Joint Resolution that would give formal statutory authorization for the use of U.S. Armed Forces in Somalia. Senator Mitchell intends to bring the resolution to the Senate Floor this week and is seeking an Administration position.

The resolution raises a number of complicated issues which merit closer examination and inter-agency review including the President's war powers, authorization of involvement in the next stage of U.N. operations in Somalia, and other legislative changes which we might seek to facilitate our participation in U.N. peacekeeping operations and our support for other participants. Our assessment, however, is that Senator Mitchell is unlikely to be willing to delay action on what he sees as a "non-controversial" measure to support our efforts in Somalia.

Given the time constraints, the Department proposes that the Administration take the following position on the resolution in the Senate:

- o We welcome the Senate's support for the U.S. humanitarian effort in Somalia as expressed in the resolution.
- o While the Administration does not believe that specific statutory authorization for the deployment of troops to Somalia is necessary, the Administration is not opposed to the resolution.
- o The Administration may wish to propose modifications to the Congressional resolution, for the purpose of facilitating U.S. support for the next phase of U.N. operations in Somalia, when it comes before the House of Representatives.

Marc Grossman
Executive Secretary

Drafted by: H: Robert Bradtke

Clearances: AF - HCohen
L - MMatheson
IO - MKimble
P - MFoulon

1 SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES
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*733 -
political
conditions*

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*authorizing
the
transition
to a
UN-led
force
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21 United States Armed Forces to be withdrawn from Soma-
22 lia at the earliest possible date.

20

X Brown

X Gorton

X Pearler - cost assessments

*Unsettled
Thursday
War powers
resolution
UN precedent
to*

Secretary Dunn

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**BROWN AMENDMENT
to S.J.RES _____**

*Amendment to
S.J. RES.*

At the appropriate place in the resolution, add the following new section:

VIZ:

"SEC. _____ Right of Self-Protection.

The President shall ensure that:

(a) At all times, U.S. combat troops in Somalia are commanded by U.S. commanders;

(b) All U.S. military troops in Somalia may at all times be permitted to take all reasonable measures to protect themselves, their units and their equipment. "

MEMORANDUM

TO: John Ziolkowski
THRU: Senator President
FROM: Abe Walner
DATE: February 3, 1993
RE: President's Amendment Language to the Resolution Authorizing U.S. Troops to Somalia:

Sec. 3 Sense of Congress

(a) United Nations Peacekeeping Forces
(current language)

(b) "It is the sense of Congress that the President should submit to Congress a cost assessment of Operation Restore Hope, indicating the costs assessed to the United States, the United Nations, and other countries and related organizations involved in the operation."

AMENDMENT

At the appropriate place in the resolution, add the following new section:

VIZ:

"SEC. ____ . Reporting Requirements.

By May 1, 1993, the Secretary of State and the Secretary of Defense shall provide a joint report to the Congress outlining specific criteria for the introduction and commitment of U.S. troops into combat situations. This report shall include:

- (a) A specific review of the goals of U.S. policy in Somalia and an outline of objective criteria which will enable the United States to evaluate when those goals are achieved;
- (b) A review of all actions taken to ensure U.S. materiel contributions to United Nations forces in Somalia are counted against U.S. assessments in Somalia;
- (c) A review of U.S. international interests and their correlation to U.S. troop commitment;
- (d) Criteria to be used in evaluating future commitments of U.S. combat troops;
- (e) Specifically, a review of the many situations in the world where there are intense humanitarian needs and a means of evaluating what elements, when present, would permit these situations to rise to a level of importance necessary for the commitment of U.S. combat troops;
- (f) Criteria under which U.S. troops will be permitted to be engaged as a portion of an international peacekeeping force, including:
 - (i) U.S. command of U.S. troops;
 - (ii) Equitable financial contributions of nations so engaged; and
 - (iii) The right of U.S. combat troops to defend themselves throughout all levels of conflict."

SOMALIA AND WAR POWERS

- A. Resolution
Proposed Changes
- B. Text of Administration Letter
Agency Proposals
- C. Hamilton Letter to DoD
Draft DoD Response
- D. Bush Letter to Somalia

SOMALIA AND WAR POWERS

Needed changes to the Existing Draft

1. Page 3, line 5
Delete: " United Nations Resolution 794"
Substitute "United Nations resolutions"
2. Page 3, line 19
Change "are deployed" to "continue to deploy"
3. Page 3, line 21
Delete " to be withdrawn from Somalia"
Substitute "to transfer the mission to a United Nations led force..."

103D CONGRESS
1ST SESSION

S. J. RES. _____

IN THE SENATE OF THE UNITED STATES

Mr. MITCHELL (for himself, Mr. DOLE, Mr. PELL and Mr. HELMS) introduced the following joint resolution: which was read twice and referred to the Committee on _____

JOINT RESOLUTION

Authorizing the use of United States Armed Forces in
Somalia.

Whereas an estimated 300,000 Somalis reportedly have died of hunger or as casualties of widespread violence since the fall of Siad Barre in January 1991;

Whereas international relief agencies had been unable to deliver adequate assistance to those most in need due to increasingly difficult and dangerous security conditions, including pervasive banditry and looting;

Whereas Congress has expressed its support for a greater United Nations role in addressing the political and humanitarian situation in Somalia through Senate Resolutions 258 and 132 and House of Representatives Resolution 370;

Whereas the United Nations Secretary General and United States officials had concluded that massive intervention in Somalia would be necessary to avert further starvation on this scale;

Whereas the United Nations Security Council on December 3, 1992, enacted Resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia";

Whereas President Bush began deploying United States armed forces on December 8, 1992, in response to United Nations Resolution 794;

Whereas more than 20,000 American servicemen and women are now in Somalia under Operation Restore Hope and have been joined by troops from many other nations;

Whereas President Bush has emphasized that United States Armed Forces will be withdrawn and that the security mission will be assumed by the United Nations' UNOSOM operation as soon as a "secure environment" for the delivery of food has been created; and

Whereas, on December 10, 1992, President Bush formally reported to Congress on the deployment of United States Armed Forces in Somalia: Now, therefore, be it

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

3 **SECTION 1. SHORT TITLE.**

4 This joint resolution may be cited as the "Authoriza-
5 tion for Use of United States Armed Forces in Somalia".

1 **SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES**
2 **ARMED FORCES.**

3 (a) AUTHORIZATION.— The President is authorized to
4 use United States Armed Forces pursuant to United Na-
5 tions Security Council Resolution ^{RESOLUTION} (794) in order to imple-
6 ment the Resolution, which authorizes the use of “all nec-
7 essary means to establish as soon as possible a secure en-
8 vironment for humanitarian relief operations in Somalia”.

9 (b) WAR POWERS RESOLUTION REQUIREMENTS.—
10 Consistent with section 8(a)(1) of the War Powers Resolu-
11 tion, the Congress declares that this section is intended
12 to constitute specific statutory authorization within the
13 meaning of section 5(b) of the War Powers Resolution.

14 **SEC. 3. SENSE OF CONGRESS.**

15 It is the sense of Congress that the President should
16 consult with the Secretary General of the United Nations
17 and with the other member countries of the United Na-
18 tions Security Council to ensure that peacekeeping forces
19 from other countries of the United Nations are deployed
20 to Somalia to maintain a secure environment and to allow
21 United States Armed Forces to be withdrawn from Soma-
22 lia at the earliest possible date.

timetable
Thursday

war powers
resolution

no prejudice

to

Senator Nunn

One Hundred Second Congress
Congress of the United States
 Committee on Foreign Affairs
 House of Representatives
 Washington, DC 20515

December 21, 1992

WILLIAM A. ANDERSON, Chairman
 RICHARD L. ARMITAGE, Ranking Member
 JAMES A. ABRAHAMSON, Chairman
 JIM LEACH, Ranking Member
 TONY ROTH, Chairman
 OLIVERA A. ANDERSON, Ranking Member
 HENRY J. HYDE, Chairman
 DONALD C. STEVENS, Ranking Member
 CHRISTOPHER M. SMITH, Ranking Member
 DAN CLAYTON, Chairman
 JIM MEYER, Ranking Member
 JOHN S. MALLER, Chairman
 BEN BLAIR, Ranking Member
 STON GALLAGHER, Chairman
 AND MCINTOSH, Ranking Member
 ROBERT J. GOSPEL, Ranking Member
 LARA BROWN, Ranking Member
 JOHN A. SINGLARI, Ranking Member
 Deputy Chief of Staff

WILLIAM A. ANDERSON, Chairman
 RICHARD L. ARMITAGE, Ranking Member
 JAMES A. ABRAHAMSON, Chairman
 JIM LEACH, Ranking Member
 TONY ROTH, Chairman
 OLIVERA A. ANDERSON, Ranking Member
 HENRY J. HYDE, Chairman
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 JIM MEYER, Ranking Member
 JOHN S. MALLER, Chairman
 BEN BLAIR, Ranking Member
 STON GALLAGHER, Chairman
 AND MCINTOSH, Ranking Member
 ROBERT J. GOSPEL, Ranking Member
 LARA BROWN, Ranking Member
 JOHN A. SINGLARI, Ranking Member
 Deputy Chief of Staff

James L. Woods *Xm* rec'd 6 Jan 93
 Deputy Assistant Secretary for African Affairs
 Bureau of International Security Affairs
 Department of Defense
 The Pentagon

Dear Mr. Woods:

I wanted to follow up on your testimony before the Committee on Foreign Affairs last week.

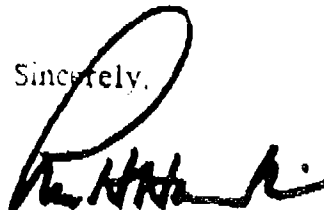
During the hearing, I questioned you about the legal authority under which U.S. troops were deployed to Somalia earlier this month. You referred in your answer to a December 8, 1992 memorandum entitled, "Somalia Contingency Operation," signed by Deputy Secretary of Defense Atwood. Mr. Atwood's memorandum cites Section 101(a)(13) of Title X of the United States Code, which merely provides a definition for a military contingency operation.

I would like to know precisely under what legal authorities, applicable treaties, or other agreements U.S. troops were deployed to Somalia. I would also like to know the specific sections of the War Powers Resolution under which the President's report of December 10 was submitted.

I appreciate your consideration of this letter and look forward to an early reply.

With best regards,

Sincerely,



Lee H. Hamilton
 Chairman
 Subcommittee on Europe
 and the Middle East



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C. 20301-1600

Lee H. Hamilton
Chairman
Committee on Foreign Affairs
House of Representatives
Washington, DC

Dear Mr. Chairman:

This is in response to your letter to Deputy Assistant Secretary of Defense James L. Woods of December 21, 1992, in which you inquired about the legal authorities under which U.S. Armed Forces were deployed to Somalia. Your letter has been referred to this office for reply.

President Bush stated in his report of December 10, 1992, to the Congressional leadership (copy enclosed) that he took this action pursuant to his constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive, and in accordance with applicable treaties and laws.

In this regard, President Bush further stated that he had taken into account the views expressed in H. Con. Res. 370, S. Con. Res. 132, and the Horn of Africa Recovery and Food Security Act, Public Law 102-274, on the urgent need for action in Somalia. Additionally, he emphasized the need for U.S. action as part of a multilateral response to the United Nations Security Council decision under Chapter VII of the United Nations Charter.

In regard to your question about the applicable sections of the War Powers Resolution (WPR), I would note that the reporting provisions of the WPR apply when U.S. Armed Forces are introduced: (1) into actual or imminent hostilities; (2) into foreign territory while equipped for combat (with various exceptions); or (3) in numbers which substantially enlarge U.S. combat-equipped forces already located in the foreign nation in question.

As has become customary in recent years, the December 10 report stated that it was "consistent with the War Powers Resolution", but was not submitted under any particular section of the Resolution. The report did state that no organized resistance had been encountered and that there was no intent that U.S. Armed Forces would become involved in hostilities. The report noted, however, that these forces were equipped as might be needed to accomplish their mission and defend themselves.

PHOTOCOPY PRESERVATION

2

Prior to the introduction of these forces, no combat-equipped U.S. Armed Forces were located in Somalia.

I hope that this information is helpful to you.

Sincerely,

John H. McNeill
Deputy General Counsel
(International Affairs & Intelligence)

PHOTOCOPY PRESERVATION

For Immediate Release January 18, 1991

TEXT OF A LETTER FROM
THE PRESIDENT TO THE SPEAKER OF
THE HOUSE OF REPRESENTATIVES AND
THE PRESIDENT PRO TEMPORE OF THE SENATE

January 18, 1991

Dear Mr. Speaker: (Dear Mr. President:)

On January 16, 1991, I made available to you, consistent with section 2(b) of the Authorization for Use of Military Force Against Iraq Resolution (H.J. Res. 77, Public Law 102-1), my determination that appropriate diplomatic and other peaceful means had not and would not compel Iraq to withdraw unconditionally from Kuwait and meet the other requirements of the U.N. Security Council and the world community. With great reluctance, I concluded, as did the other coalition leaders, that only the use of armed force would achieve an Iraqi withdrawal together with the other U.N. goals of restoring Kuwait's legitimate government, protecting the lives of our citizens, and reestablishing security and stability in the Persian Gulf region. Consistent with the War Powers Resolution, I now inform you that pursuant to my authority as Commander in Chief, I directed U.S. Armed Forces to commence combat operations on January 16, 1991, against Iraqi forces and military targets in Iraq and Kuwait. The Armed Forces of Saudi Arabia, Kuwait, the United Kingdom, France, Italy, and Canada are participating as well.

Military actions are being conducted with great intensity. They have been carefully planned to accomplish our goals with the minimum loss of life among coalition military forces and the civilian inhabitants of the area. Initial reports indicate that our forces have performed magnificently. Nevertheless, it is impossible to know at this time either the duration of active combat operations or the scope or duration of the deployment of U.S. Armed Forces necessary fully to accomplish our goals.

The operations of U.S. and other coalition forces are contemplated by the resolutions of the U.N. Security Council, as well as H.J. Res. 77, adopted by Congress on January 12, 1991. They are designed to ensure that the mandates of the United Nations and the common goals of our coalition partners are achieved and the safety of our citizens and Forces is ensured.

more

(OVER)

As our united efforts in pursuit of peace, stability, and security in the Gulf region continue, I look forward to our continued consultation and cooperation.

Sincerely,

GEORGE BUSH

cc: The Honorable George J. Mitchell
Majority Leader

The Honorable Robert J. Dole
Republican Leader

The Honorable Robert H. Michel
Republican Leader

#

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002a. memo	John Ordway to Jonathan Howe, re: September 4 Deputies Committee Meeting on Somalia (2 pages)	09/03/1992	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

2012-0659-F

ke4203

RESTRICTION CODES

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

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM, Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002b. paper	Somalia Discussion Paper (5 pages)	09/00/1992	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

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2012-0659-F

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WASHFAX RECEIPT
DEPARTMENT OF STATE**B**

S/S #

WHITE HOUSE
RECEIVED ROOM

FEB 17 PM 4:33

C

MESSAGE NO. 093349 CLASSIFICATION ~~CONFIDENTIAL~~ No. Pages 4
FROM: C. Webster SA/PAB K79823 5247
(Officer name) (Office symbol) (Extension) (Room number)
MESSAGE DESCRIPTION Cable on Pak troops in Somalia

TO: (Agency)	DELIVER TO:	Extension	Room No.
<u>NSC</u>	<u>Richard Clarke</u>	<u>395-5066</u>	<u>302</u>
<u>OSD/ISA</u>	<u>Lt. Col. D. Johnson</u>	<u>697-9753</u>	<u>4B746 Side N</u>
<u>JCS/75</u>	<u>May. P. Davis</u>	<u>614-8406</u>	<u>2B885</u>

FOR: CLEARANCE ☒ INFORMATION ☐ PER REQUEST ☐ COMMENT ☐

REMARKS: ASAP
QUESTION MARK IN PARA 2 WILL BE REMOVED ONCE WE CONFIRM
FROM PAKISTANIS HOW MANY TROOPS THEY ARE SENDING

S/S Officer: M. B. J. J. J.

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: CPE Date: 02/02/17

2012-0659-F

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. cable	Re: U.S. Support for the Pakistani Forces in UNOSOM II (4 pages)	02/16/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

2012-0659-F
ke4203

RESTRICTION CODES

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

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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~~SECRET~~

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

~~SECRET/SENSITIVE~~

1-26-93

MEMORANDUM TO: SOMALIA CORE GROUP

FROM: NSC - Richard A. Clarke *RA*

SUBJECT: Draft Paper for Principals Committee

Attached is a first draft of the paper tasked by the January 25th Deputies. Please do NOT broadly disseminate it. We will be putting it in final Wednesday morning and will take into account agency line-in/line-out comments received by OOB.

Distribution:

State: TF - Amb. Shinn (for AF, IO, PM, AID)

DOD: ISA/AF - DAS Woods

JCS/J-5 - LTG Leland

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OF CLASSIFIED ATTACHMENTS

Initials: UCZ Date: 02/09/17

2012-0659-F

~~SECRET~~

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. paper	Somalia Policy: Near Term Decisions (5 pages)	01/26/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

2012-0659-F
ke4203

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. paper	Somalia Policy: Near Term Decisions (8 pages)	01/27/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

2012-0659-F
ke4203

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. paper	[Duplicate of 005] (8 pages)	01/27/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

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[Somalia] [Folder 2] [3]

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Secret
2/5/93
at 3:50

WHITE HOUSE SITUATION ROOM

PRECEDENCE: IMMEDIATE
PRIORITY
ROUTINE

RELEASER: _____

DTG: _____

MESSAGE NO. _____ CLASSIFICATION ~~SECRET~~ PAGES 9
FROM Richard A. Clarke 395-3393 302
(Name) (Phone Number) (Room No.)

MESSAGE DESCRIPTION Somalia Policy: Near-Term Decisions

TO (Agency)	DELIVER TO:	DEPT/ROOM NO.	PHONE NUMBER
OSD/ISA	Jim Woods	Room 4B746	(703) 697-2864

REMARKS:

PLEASE CALL OFFICE UPON RECEIPT!

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS

Initials: KOE Date: 2/10/97

2012-0659-F

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. paper	[Duplicate of 005] (8 pages)	01/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. paper	Draft Presidential Review Directive on Somalia (3 pages)	00/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

2012-0659-F
ke4203

RESTRICTION CODES

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

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U.S. AGENCY FOR
INTERNATIONAL
DEVELOPMENT

JAN 29 1993

Assistant
Administrator
for Africa

TO: Distribution

FROM: AID/A-AA/AFR, John F. Hicks 

SUBJECT: Interagency Meeting - Moving from Relief to Recovery in Somalia

Following the initiation of Operation Restore Hope in Somalia in December 1992, the international relief effort has been able to rapidly expand. A.I.D. has responded to the potential of moving from relief to rehabilitation and more advanced stages of recovery by directing a team from our regional office in Nairobi to prepare a proposal for assistance activities over the remainder of 1993.

The Acting Administrator of A.I.D., James Michel, will chair a meeting to review this proposal and to discuss the implications of the team's findings for the formulation of the civilian aspects of the UNOSOM II Resolution.

DATE: Tuesday, February 2, 1993

TIME: 10:00 - 11:30 A.M.

LOCATION: Room 5951 (A.I.D. Administrator's Conference Room) Department of State

Principals plus one are invited to attend. Participants should phone their attendance to Marlene Garcia, 647-8578.

Attachments:

Issues Paper on "Somalia from Relief to Recovery"
Mogadishu 0164 on "Somalia Relief Planning"
Report on Proposed A.I.D. Strategy for Somalia

Distribution: On following page.

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**ISSUES PAPER FOR INTERAGENCY REVIEW
SOMALIA: FROM RELIEF TO RECOVERY**

I. INTRODUCTION

This Issues Paper summarizes the major elements of the proposed AID strategy (attached) for moving from relief to recovery and identifies four issues regarding this strategy. This paper also includes a list of recommendations for the civilian component of UNOSOM II.

II. SUMMARY OF PROPOSED STRATEGY

The attached strategy proposes a role for AID in the transition from relief to recovery assistance in Somalia. Longer term needs, including the economic conditions and policies necessary for reconstruction and development, will be addressed as part of donor planning for the post-relief period. The strategy proposes that:

1. Conditions in Somalia are likely to require continued emergency relief and rehabilitation assistance at least until the end of 1993, and that AID assistance will not be able to move beyond this level in most locales.

2. Where conditions permit, the following types of activities are appropriate:

- quick-impact rehabilitation projects in the agriculture sector;
- varied projects in the health sector, particularly targeting war victims, displaced, orphans, and children in general;
- special, income producing projects aimed at immediate employment and job creation;
- U.S. leadership and expertise in helping to plan and manage needed programs -- and serve as a catalyst for other donor involvement in -- the rehabilitation and recovery process;
- more detailed assessments of Somalia's recovery problems and needs in various sectors;
- flexibility to deal with unanticipated relief and recovery activities, such as support for demobilization within legislative guidelines;
- support for assessments and activities that will address long-term economic and institutional issues.

3. Over the remainder of 1993, up to \$32 million could be provided in addition to the amount already committed by AID for relief and rehabilitation activities in Somalia. Achieving this

level of rehabilitation activity will be entirely dependent on the security situation.

4. AID re-establish a Mission in Somalia. The program proposed will be for relief and rehabilitation, not a conventional development program. The AID Mission Director will have authority and responsibility for all aspects of the AID program.

5. Staffing would be kept to the minimum necessary to run the program in an accountable and responsible manner, paying serious attention to the need to minimize the risk of all staff members.

III. ISSUES

1. Scale of Proposed Program

Three main factors determine the proposed scale of AID's program for 1993. One, conditions on the ground, specifically the security situation and the capacity of our implementing partners (PVO's and NGO's). Two, the relative importance of Somalia to other AID programs in Africa. AID already is providing significant resources to Somalia (some \$200 million since 1991) making it one of our largest programs in Africa. Increasing the level of funding much beyond what is recommended would make Somalia the largest program in Africa. And three, a level of assistance which will encourage other donors to participate - finding a balance between the perception that the U.S. is running the country and the perception that U.S. interest in Somalia is waning.

Specific issues:

A. Does the AID strategy provide a realistic assessment of what can be done?

B. Is Somalia of significant importance to the U.S. that we should re-allocate to it resources above the level proposed in the strategy? If so, these resources would have to come from other on-going AID programs.

C. Will the proposed level of funding encourage other donor participation?

2. Focus of the Proposed Strategy

The sectors suggested in the strategy build on the on-going relief interventions. The strategy would focus AID activities in these sectors while leaving room for addressing unanticipated needs, such as special emergency situations. Focus on clearly defined sectors should improve donor coordination and encourage others to work in those sectors where the U.S. is not a major donor.

Specific issue:

Is the general context and emphasis of the proposed program appropriate?

3. Integration into a Broader Effort

Success of the AID strategy depends on how well it can be integrated into a broader international effort. The job in Somalia clearly is too big for any one donor. The UNOSOM II mandate must provide for UN leadership on donor coordination of relief/rehabilitation activities. The U.S. has already committed itself to seconding staff to assist the UN. U.S. policy should consistently be supportive of UN efforts in the political and rehabilitation arenas, including galvanizing the necessary political and monetary support among the member states.

Specific issue:

A. What is the role of AID in the civilian operational aspects of UNOSOM II?

B. What is the role of AID in longer term donor planning for recovery and reconstruction?

4. Food Aid

Although not specifically addressed in the strategy, levels and use of food is a related issue.

Specific issues:

A. New initiatives for use of food aid (e.g. police forces, demobilized militia) will require additional resources. In view of FY 93 food aid budgetary realities, how will the USG support these activities?

B. Relief food programs may act as disincentives to local production, thereby slowing the rehabilitation and recovery process. Bilateral or multi-lateral structures should be established to monitor existing relief food programs and implementation modalities to determine their impact on domestic production, local markets and general consumption patterns. How can balance be reached between free distribution of food to alleviate hunger on the one hand, and shift to rehabilitation and recovery on the other?

IV. IMPORTANCE OF UNOSOM II: RECOMMENDATIONS

While significant attention already has been focused on the critical military aspects of UNOSOM II, there has been inadequate attention to the civilian side.

AID suggests that the following points are basic elements of the civilian component of UNOSOM II.

- **The United Nations must take the lead in sanctioning and managing political reconciliation and in rehabilitation under UNOSOM II.** [Note: their record of performance over the past years in Somalia, however, leaves them with little credibility within Somalia or within the international NGO community. Restoring their credibility requires major U.S. help in conceptualizing, implementing and staffing the military and civilian elements of UNOSOM II.]
- **International assistance in Somalia for at least the remainder of 1993 must continue to focus on expanding emergency relief and rehabilitation efforts** to ensure the provision of basic food and medical services. It is premature to begin implementing significant rehabilitation programs or any longer term recovery projects.
- **The UNOSOM II resolution should include language regarding the minimum security conditions** under which the civilian side can safely and effectively operate.
- **The UN should prepare a realistic plan and timetable for rehabilitation efforts** throughout Somalia. Achieving such a plan requires the involvement of professional development staff, in addition to relief experts, from the UN and cooperating agencies.
- **UNOSOM II should establish a stronger donor coordination mechanism** for relief and rehabilitation efforts.
- **UNOSOM II should limit its perspective to relief and rehabilitation, leaving reconstruction to the leadership of the World Bank**, an international institution with the capabilities and credibility to plan, and when appropriate, finance and implement a reconstruction program.

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PAGE 01
ACTION AID-00

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FVPP-01 RDAA-01 FHAA-01 STAG-02 FFP-09 AMAD-01 FABP-02
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TAGS:

SUBJECT: SOMALIA RELIEF PLANNING

1. USLO COMMENTS (INCLUDING OFDA AND AID PERSONNEL PRESENT) ARE AS FOLLOWS ON THE RECOVERY PLANNING DOCUMENT DATED JAN 21 AND PUT TOGETHER UNDER THE LEADERSHIP OF REDSO DIRECTOR FRED FISCHER. OVERALL, IT IS A VERY GOOD ANALYSIS, WITH SOUND REALISTIC RECOMMENDATIONS.

2. SECTION VI ON SOMALIA'S RECOVERY REQUIREMENTS IS EXCELLENT, ESPECIALLY VI B, C, D (EXCEPT THAT LIVESTOCK HAS GREATER POTENTIAL FOR RECOVERY AS AN EXPORT AND THEREFORE NEEDS MORE IMMEDIATE HELP. WE BELIEVE GREATER ATTENTION SHOULD BE PAID TO AGRICULTURAL RECOVERY AND MARKETING, INCLUDING APPROACHING GULF STATES TO RESUME PURCHASING MORE ANIMAL HEALTH AND VACCINATION PROGRAMS THAT ARE ADEQUATE FOR EXPORT. IN ADDITION, LIVESTOCK RESTOCKING SHOULD BE EXAMINED AS A MECHANISM FOR ENCOURAGING RESETTLEMENT OF DISPLACED AND REFUGEES RETURNING FROM KENYA.). E AND F. SECTION VI G IS NOT

AND SHOULD NOT BE AN AREA FOR USAID ACTIVITY, DESPITE USE OF SECTION 491. SECTION VI H DOES NOT DISCUSS THE MAJOR URGENT NEED FOR A STABLE CURRENCY (PERHAPS THE DOLLAR IN SHORT TERM) AND FOR A RUDIMENTARY BANKING SYSTEM, ALTHOUGH IT IDENTIFIES THE SERIOUS PROBLEMS CAUSED BY THEIR ABSENCE. THIS IS ONE OF SEVERAL AREAS WHERE THE USG (AID) CAN PLAY AN IMPORTANT CATALYTIC ROLE BY HIRING EXPERTS FOR QUICK-START ANALYSIS AND INITIAL EFFORT, TO BE FOLLOWED BY MUCH MORE SUBSTANTIAL, LONGER TERM UNDERTAKINGS BY IFI'S ETC.

3. SECTION VII A AND B STRIKE US AS VERY SOUND. WE STRONGLY RECOMMEND AN IMMEDIATE PRESIDENTIAL WAIVER OF BROOKE AMENDMENT FOR 1993, BUT RECOMMEND HOLDING UP ON ISSUE OF DEBT FORGIVENESS UNTIL POLITICAL FUTURE, INCLUDING STRUCTURE, POLICIES OF LEADERS BECOMES MUCH CLEARER. SECTION VII C APPEARS TOO NEGATIVE/PESSIMISTIC WITH REGARDS TO POINTS 1, 2, AND 3. WE FULLY AGREE WITH POINTS 4-9. SECTION VII D IS RIGHT ON TARGET WITH RESPECT TO PROGRAMS AND AMOUNT FOR 1993, EXCEPT FOR COMMENTS MADE ABOVE. OAKLEY

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009a. paper	Presidential Review Directive/NSC-5 (2 pages)	02/08/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

FOLDER TITLE:

[Somalia] [Folder 2] [3]

2012-0659-F
ke4203

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009b. memo	From Samuel Berger, re: Somalia Core Group - Taskings (2 pages)	02/08/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009c. memo	Frank Wisner to Mr. Tarnoff, re: Long Range Strategy for Somalia (3 pages)	03/03/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 2986

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