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Folder Title: Somalia Files, 1992-1993 [loose] [2]				
Staff Office-Individual: Transnational Threats-Clarke, Richard				
Original OA/ID Number: 3827				
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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	Interagency Working Group [Personally Identifiable Information] [partial] (1 page)	02/18/1993	P3/b(3), b(6)
002. map	UN Peacekeeping - Current and Proposed (1 page)	12/00/1992	P1/b(1)
003. cable	Re: Boutros Boutros-Ghali's Performance To Date (3 pages)	01/28/1993	P1/b(1)
004. memcon	President's Meeting with Boutros-Ghali (11 pages)	02/23/1993	P1/b(1)
005. paper	Implementation of Presidential Directive on Peacekeeping and Emergency Humanitarian Relief (8 pages)	01/14/1993	P1/b(1)
006. paper	The Case of Somalia: New Precedents (1 page)	01/00/1993	P1/b(1)
007. cable	USYG Goulding Chats About Status of PK OPS: So Few Resources and So Much To Do (3 pages)	01/12/1993	P1/b(1)
008. map	[Duplicate of 002] (1 page)	12/00/1992	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 3827

FOLDER TITLE:

Somalia Files, 1992-1993 [loose] [2]

2012-0659-F

ke4208

RESTRICTION CODES

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

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

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PRD · 13 MEETING

PHOTOCOPY PRESERVATION

THE WHITE HOUSE

WASHINGTON

**DECLASSIFIED
PER E.O. 13526**

February 15, 1993

2008-1000-M
RDS 12/15/08PRESIDENTIAL REVIEW DIRECTIVE/NSC-13

MEMORANDUM FOR THE VICE PRESIDENT
THE SECRETARY OF STATE
THE SECRETARY OF DEFENSE
REPRESENTATIVE OF THE UNITED STATES TO THE UNITED
NATIONS
DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
THE CHIEF OF STAFF TO THE PRESIDENT
ACTING DIRECTOR OF CENTRAL INTELLIGENCE
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
ACTING ADMINISTRATOR OF THE AGENCY FOR
INTERNATIONAL DEVELOPMENT

SUBJECT: Multilateral Peacekeeping Operations (S)

With the end of the Cold War and increased cooperation among Russia and the Western members of the United Nations Security Council, nations have come to rely increasingly on the UN to resolve international and internal disputes through the use of peacekeeping forces or UN authorization of enforcement actions. Regional organizations have also expanded their peacekeeping roles. Despite this growth in peacekeeping and enforcement actions, the UN and some regional organizations have not changed their relevant policies or structures significantly. Although the U.S. promulgated a new policy on conventional peacekeeping and emergency humanitarian relief operations last year and recently shared it with three members of the Security Council, there are many issues that remain to be resolved before the U.S. has a complete policy. (S)

This PRD is intended to be a zero-based review of the issues involved in the creation of a U.S. policy on peacekeeping and to identify options leading to Presidential decisions. The phrase "multilateral peacekeeping" is meant, except where otherwise noted, to include the full range of activities including observers, peacekeeping and humanitarian relief operations, and implementation/enforcement actions. (S)

The study should include, but not be limited to, the questions and issues in the outline below. When options are developed, they should also be analyzed. Each analysis should compare a set of options against a common set of evaluative criteria. Two

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criteria that should be given special attention are the availability of funding sources for new activities and the ease/difficulty in obtaining UN support for change options. (C)

I. BACKGROUND (INTELLIGENCE COMMUNITY)

Describe recent and current multilateral peacekeeping in terms of their origins, scope, goals, participation (U.S. and other), and effectiveness. Identify what has made for success and failure, what has worked and what has not. (C)

II. THE ROLE OF PEACEKEEPING (STATE)

What options are there for the role that multilateral peacekeeping should play in our foreign and security policies? Specifically:

A. When are U.S. interests best served by reliance upon multilateral peacekeeping and when are they best served by action that is unilateral or not sanctioned by the UN? (C)

B. Does the trend toward multilateral peacekeeping undermine in an undesirable manner our ability to act unilaterally? (C)

C. To what extent are nations becoming dependent upon the UN peacekeeping to solve internal problems that they could or should be solving themselves? (C)

D. To what degree does the downsizing of U.S. and allied militaries mean that we may need to rely increasingly upon international organizations and coalitions for intervention capability? (C)

E. Should decisions about increasing reliance on UN peacekeeping be tempered by the possibility that Russia and China may change policies and begin vetoing peacekeeping operations which we support? How likely is such a change? What could we do to continue international peacekeeping if this change did occur? (C)

F. What are the public/legislative attitudes towards peacekeeping (multilateral and unilateral) within key foreign states and the United States? (C) (WITH USIA)

III. THE ROLE OF REGIONAL ORGANIZATIONS (STATE)

A. Briefly describe and evaluate the status of peacekeeping policy, structure, and operations in key regional organizations including the OAS, OAU, CIS, ECOWAS, NATO, CSCE, WEU, Arab League, GCC, and ASEAN, as well as current U.S. policy thereto. (IC) (C)

B. Develop options for U.S. policy toward peacekeeping by key regional organizations, including steps the U.S. might take to strengthen the capabilities of these groups. U.S. policy toward the NATO/CSCE question should be specifically developed with options and a proposed gameplan. What relationship should

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these groupings have to the UN system politically and militarily? What criteria should be developed for deciding whether to employ the UN or a regional organization? In all cases, these analyses should be coordinated with relevant regional interagency studies. (STATE) (C)

IV. THE UNITED NATIONS (STATE)

The study should identify the shortcomings of the current United Nations conventional peacekeeping and emergency humanitarian relief system and propose options for improvements. The options should include information about feasibility, resource availability, and plans for achieving UN Secretariat and member support for implementation. Among the issues that should be reviewed are:

A. Structure (roles, missions, organization, cost sharing arrangements, and staffing): including the structure of Under Secretaries, the Emergency Coordinator for Humanitarian relief, the Military Staff Committee, the Military Advisor to the Secretary General, and the Field Operations Division, to include field operations. How can UN/multilateral peacekeeping operations be effectively monitored in order to minimize waste and abuse? (STATE/JCS) (C)

B. Command, Control, Communications: What are the UN's C3 requirements for conventional peacekeeping and emergency humanitarian relief and what options are there for meeting them? What options are there for what the U.S. could provide, including facilities and hardware, both gratis and as in kind services to create the necessary system? (DOD/JCS) (C)

C. Information Support and Intelligence: What options are there for how the information function can be integrated into the C3 system? How can U.S. intelligence be provided on a regular (not ad hoc) basis to various components of the UN system and its field operations? How do we identify UN collection requirements? Do current collection priorities give sufficient attention to UN requirements and, if not, what can be done to improve collection? (IC) (S)

D. Logistics and Transportation: What are the deficiencies of UN logistics and lift systems and what are options for improvement, taking into account needs such as speed and interoperability? (DOD/AID) (S)

E. Plans and Training: What options are there for creating a UN system for conventional peacekeeping/emergency humanitarian relief planning, including a permanent staff? What options are there for developing a training system, including use of US facilities for simulations and exercises? (DOD/JCS) (S)

F. Doctrine and Rules of Engagement: Should the past practice of somewhat passive conventional peacekeeping be altered and, if so, what are the options? Include an examination of the Chapter VI and VII dichotomy. (STATE) (C)

G. Emergency Humanitarian Relief: What options are there for enhancing the UN's capabilities? What are the options for a new international standing/on-call capability? Include non-UN options. (AID) (S)

V. MULTILATERAL PEACEKEEPING OPERATIONS AND U.S. PARTICIPATION (DOD)

A. The UN Charter: How do the authorities under Chapter VI, VII, and VIII of the UN Charter apply to the new challenges and environments for multilateral peacekeeping operations? Does the UN Participation Act need to be modified? (State/UN) (S)

B. Article 43: What are the options for U.S. policy regarding a standing UN force as outlined in Article 43 of the UN charter, including on-call forces, commitments of specific units in specific time-frames, or commitments of specific capabilities in specific time-frames. Assignment of specialized national roles and the concept of a volunteer, quick reaction force (non-national in character) should be examined. An explicit differentiation should be made between peacekeeping forces and emergency humanitarian relief forces in this examination. (State/DOD) (S)

C. The Command Relationship and U.S. Participation: What options are there for policy regarding the participation of U.S. combat and support forces in multilateral peacekeeping organizations, including consideration of control of U.S. forces by non-American commanders? (State/DOD) (S)

VI. THE UNITED STATES (DOD)

A. Organization: OSD, JCS, STATE, AID, and the IC should describe how they are structured to support multilateral peacekeeping and examine options for improving their existing structures. They should also propose options for an interagency structure for policy development and implementation in these areas. (ALL) (S)

B. Training: What are options for improving U.S. military and civilian training for multilateral operations? (JCS/AID) (S)

C. Funding: What options are there for reflecting the U.S. contribution to UN peacekeeping in the U.S. budget, including placement solely in the 050 account, the 150 account, or shared between the accounts on the basis of some formula? Other funding related issues that should be addressed include accounting for in-kind services, transfer authority between accounts, the desirability of additional contingency reserve funds similar to ERMA, options for payment of the U.S. assessment and arrearage, and options for the priority that multilateral peacekeeping should have in the 050 and 150 budgets relative to other programs. Are there ways to pursue cost sharing. (OMB) (S)

D. Legislation: What options are there for amending the United Nations Participation Act of 1945 and other legislation

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related to multilateral peacekeeping? Would any of the options suggested in this study require such amendment? (STATE) ~~(C)~~

VII. STUDY PROCESS

Initial drafting responsibilities for the sections of the study are indicated in parenthesis in the PRD and listed below. All agencies (in the address) can participate in each sub-group and their options and views should be included in the drafts presented. After review by the sub-groups, the drafts should be presented to an Interagency Working Group (IWG), which for the purposes of managing this study, will be chaired by the NSC Staff. The IWG shall be responsible for integrating the products into a single study with agency views and decisionable options for examination by the Deputies Committee. The IWG shall also be responsible for enforcing drafting deadlines, as indicated below.

WORKING GROUP

1. Background, Role, and Regional Organizations (Sec. I, II, III)
2. The UN (Sec. IV)
3. Multilateral Peacekeeping and U.S. Participation (Sec. V)
4. United States (Sec. VI)

CHAIR

STATE

STATE

DEFENSE

DEFENSE

DRAFT DUE TO IWG

24 February - 1 March

27 February 4 March

8 March

12 March

The IWG should report to the Deputies Committee no later than 19 March. Subsequent to the PDD, a strategy and organization for implementation will be tasked. (C)

Anthony Lake

Anthony Lake
Assistant to the President
for National Security Affairs

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THE WHITE HOUSE
WASHINGTON

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|------|-------------------|-------|---|-------|
| I. | BACKGROUND | IC | } | state |
| II. | Role of PK | STATE | | |
| III. | Role of Regiments | STATE | | |
| IV. | UN | STATE | | |
| V. | US PARTICIPATION | | } | DoD |
| VI. | US ORGANIZATION | | | |
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ke4208

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Interagency Working Group (IWG)
Multilateral Peacekeeping PRD
Thursday, February 18, 1993, 10:00 A.M.
OEOB, Room 208

Chaired by: Richard Clarke

PARTICIPANTS:

[001]

JCS

ADM Frank Bowman	(703) 695-6585
Chris Kopang	(703) 695-6585

OSD

Morton Halperin	(703) 697-0209
LtGen Dale Vesser	(703) 697-0209
Marc Palevitz	(703) 697-0209

STATE

George Ward	647-9602
Robert Loftis	647-9602
John Piazza	647-8698
Steven Simon	647-9023

(b)(3)

(b)(6)

OMB

Phillip DuSalt	x4770
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Passholder

USIA

Mckinney Russell	619-4618
Michael Schneider	619-4545

USUN

David Scheffer	736-4536
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(b)(6)

AID

Edward Saiers	647-8594
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OVP

Leon Fuerth	x4213
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Passholder

NSC

Robert Beers	x5066
Mike Sheehan	x3737

Interagency Working Group (IWG)
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AGENDA

I. Introduction

- Introduction of Players
- Process Review/Rules of the Games

II. Assignment of Subgroups

III. Discussion

IV. Conclusion

- Timelines
- Subgroup Meetings/Next IWG

Notes:

- Principals are invited to bring sub-group points of contact to the IWG.

- State and Defense: Please identify date/time/place for sub-group meetings on Sections I thru IV of the PRD at the IWG.

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United States Department of State

Washington, D.C. 20520

UNCLASSIFIED

February 11, 1993

0537

MEMORANDUM FOR ANTHONY LAKE
THE WHITE HOUSE

SUBJECT: Participation of U.S. Forces in UN Operations

Richard Clarke of the NSC staff has requested a brief paper on U.S. legal authority for the participation of U.S. forces in UN operations. The Legal Adviser's Office has drafted the attached, and we are happy to provide it.

A handwritten signature in dark ink, appearing to read 'M. Grossman', with a long horizontal flourish extending to the right.

Marc Grossman
Executive Secretary

Attachment:

As stated.

UNCLASSIFIED

WHITE HOUSE
COMMUNICATIONS ROOM
1973 FEB 11 AM 11:25

1973 FEB 11 PM 11:25

U.S. Law on Participation of U.S. Forces in UN Operations

The UN Participation Act provides statutory authority for certain forms of U.S. participation in UN peacekeeping or peacemaking operations upon the request of the UN. Among other things, Section 7 of the Act provides that the President may authorize the detail of up to 1,000 U.S. armed forces personnel (for all UN operations at any one time) to serve as observers, guards, or in any noncombatant capacity, as well as other DOD support for UN operations, which may include logistics, transport, communications and other services. This authority may not be used for UN operations under Chapter VII of the Charter (which is commonly used for "peacemaking" or "peace enforcement" operations that may involve action without the consent of the state in question). The President has the option of seeking or waiving reimbursement from the UN. (Section 6 of the Act also authorizes the furnishing of troops to the Security Council under Chapter VII, but only pursuant to an agreement, approved by subsequent act of Congress, under Article 43 for the commitment of forces to the Council; no such agreement has ever been concluded.)

In addition, Section 628 of the Foreign Assistance Act authorizes any U.S. agency to detail, assign or otherwise make available any of its personnel (without numerical limit) to serve with or provide technical, scientific or professional advice or services to any international organization to further the purposes of the Act. (This would include participation of armed forces personnel in UN peacekeeping or peacemaking operations, which further the purposes of Chapter 6 of Part II of the Act.) Various other provisions of foreign assistance legislation (such as the drawdown authorities of Sections 506 and 552 of the Foreign Assistance Act) authorize assistance, within monetary ceilings, to international organizations, which could be used to provide services in support of such UN operations.

Certain provisions of DOD legislation (such as Section 1342 of the Defense Authorization Act for FY 93 and 10 U.S.C. 403) also authorize DOD to provide supplies, airlift and other assistance to international humanitarian operations under certain conditions, which could include relief operations conducted under a UN peacekeeping or peacemaking operation. Other DOD authorities (such as the CINC Initiative Fund authorized by 10 U.S.C. 902 and the O&M funds made available under the DOD Appropriations Act for FY 93) may also be used in appropriate cases to support US participation in UN operations.

Further, the President has independent constitutional authority, as Commander-in-Chief of U.S. armed forces and as chief executive, to direct U.S. forces to participate in or provide support to UN peacekeeping or peacemaking operations for U.S. national security purposes. This may include the use of such forces in hostile situations when the President regards it as necessary to protect U.S. forces, U.S. nationals, or vital U.S. security interests.

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January 25, 1993

UN Participation Act Limits

- o Section 7 of the UN Participation Act (UNPA) authorizes the President to detail DOD personnel and provide DOD facilities, services and other resources, upon UN request, to support UN activities "specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter."
 - "Chapter VII" means the use of armed force as may be necessary to enforce resolutions adopted under that Chapter to maintain or restore international peace and security. (UNITAF has a Chapter VII mandate.)
 - "Chapter VI" generally describes traditional UN "peacekeeping" activities, such as the current UNOSOM contingent. These activities are directed towards the peaceful resolution of disputes between states and usually but not always are conducted with the consent of the states or parties concerned. Such activities qualify for UNPA support.
- o There are express limits on detailing members of the Armed Forces:
 - The UNPA only authorizes details of "personnel of the armed forces of the United States to serve as observers, guards, or in any noncombatant capacity."
 - The UNPA provides that "in no event shall more than a total of one thousand of such personnel be so detailed at any one time." (This is a worldwide limit.)
- o The UNPA also authorizes the furnishing of facilities, services, or other assistance and the loan of the agreed fair share of the United States of supplies and equipment. Thus, we can provide logistical and other support or services by US troops which remain under US command. If the personnel involved are not formally detailed to the UN, they do not count against the 1000 personnel ceiling.
- o The UNPA authorizes the provision of assistance "notwithstanding the provisions of any other law" (e.g., the Pressler Amendment on assistance to Pakistan).
- o It should be noted that section 6 of the UNPA authorizes the President to negotiate special agreements with the Security Council (which must then be approved by an act of Congress) whereby the US can agree in advance to provide troops to the Security Council for Chapter VII purposes. Senator Biden introduced legislation last year (S.J. Res. 325) to encourage the negotiation of such agreements.

L/PM -- ECummings
SELPM 3297 x-7838

8/18/92

Aug. 18, 1992

TO: PM -- Mr. Grossman

Mark,

You mentioned this morning that Mr. Wisner is interested in peacekeeping activities and will be meeting with you on this today. I asked Carol Schwab to prepare a short paper summarizing the various legal authorities that can be used to fund peacekeeping. You and T may find it useful.

Cheers.

Ed

Ed Cummings, L/PM, x7838

cc: T -- Mr. Polt
PM -- Mr. Beers

PEACEKEEPING AUTHORITIES

The basic legal authorities which are used by the Department to provide assistance for peacekeeping operations are described below.

Assessed peacekeeping contributions

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- o Section 8 of the United Nations Participation Act of 1945 provides the basic statutory authorization for payment of the entire U.S. assessed contribution for the UN.
 - Annual authorization of appropriations to pay U.S. assessed contributions to the UN and other international organizations is provided in the biennial Foreign Relations Authorization Acts (not the Foreign Assistance Act).
 - The yearly appropriation pursuant to such authorization for the U.S. share of the UN's annual peacekeeping assessment is provided by the annual State Department appropriations acts in the "Contributions for International Peacekeeping Activities" ("CIPA") account. (The Foreign Operations Appropriations Act is not the source of funds.)
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able to secure sufficient appropriations to cover costs which we are bound under international law to pay, we have recently urged the UN to rely on voluntary contributions in specific cases. We appear to recently have lost the effort to convince other UN members to fund the UN Somalia relief efforts through voluntary contributions.

- o The basic statutory authority for voluntary contributions is the Foreign Assistance Act of 1961 (FAA). Section 551 provides specific authority for "peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States."
- The annual appropriations to carry out the provisions of section 551 for U.S. voluntary contributions for peacekeeping is provided by the annual appropriations legislation making appropriations for foreign assistance in the "Peacekeeping Operations" or the "PKO" account. (The currently applicable legislation is the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991, and the two FY 92 continuing resolutions making continuing appropriations for these purposes subject to the carried-forward authority and conditions of the FY 91 Act.)
- The annual appropriation for this account for FY 92 was \$28,000,000.
- o Unlike the CIPA account, the PKO account can be used for more than UN sponsored peacekeeping operations. It can also be used to fund "other programs carried out in furtherance of the national security interests of the United States."
- o The FAA also has special emergency authorities for peacekeeping which have been useful in past years.
 - Section 552(c) authorizes the provision of assistance in addition to that otherwise available under chapter 6 of the FAA ("Peacekeeping Operations" which is comprised of sections 551 and 552) for unforeseen emergencies. The use of this authority requires a Presidential determination.
 - Under this authority, up to \$15,000,000 of ESF may be transferred to the PKO account without regard to the 20% limitation usually applicable under the general transfer authority (section 610) when transferring funds to an account.
 - Additionally, it authorizes the President to direct the drawdown of up to \$25,000,000 from the inventory and resources of any USG agency (including DOD) in any FY.

Section 7 of the UN Participation Act

- o Section 7 of the UN Participation Act (UNPA) is an extraordinarily useful and flexible authority which can be used in peacekeeping operations.
 - It authorizes the President to detail DOD personnel and provide DOD facilities, services and other resources, upon UN request, to support UN activities "specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter."
 - This authority is delegated to the Secretary of State, who may request the Secretary of Defense to provide the desired assistance, under such terms and conditions as the two agree upon. This authority has not been redelegated within State.
 - The Secretary of State may (and routinely does) find waiver of reimbursement by the UN to be in the national interest, and after consultation with the Secretary of Defense, may waive such reimbursement.
 - Defense has increasingly objected to State's routine waiver requests, especially where State has separately requested the UN to credit the value of the unreimbursed DOD assistance against State's portion of the relevant peacekeeping assessment. DOD believes that State should try to repay it. Although the State CIPA account receives the credit, CIPA funds (if there were any "extra" available due to the credit, which is not the case) could not be transferred to repay DOD. The type of funds which might be legally available to repay DOD for peacekeeping support, such as disaster relief funds, are scarce.
- o The primary benefits of invoking the UNPA are:
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 - State has the lead responsibility for exercising the authority and thus directing the assistance.
 - Unlike FAA authorities, there is no dollar cap on the amount of assistance that may be provided (which is one reason why some in DOD are reluctant to use the UNPA).
 - There is no advance Congressional notification requirement. (Such a requirement exists with respect to other drawdown authorities, such as sections 506(a) and 552(c) of the FAA).

- It authorizes the provision of assistance "notwithstanding the provisions of any other law." This means that other legal prohibitions on assistance would not bar the provision of assistance under the UNPA.
- The use of this authority does not exhaust State financial resources, but nonetheless may result in a legal augmentation of the CIPA account.

DOD Authorities

- o It should be noted that DOD has a few limited authorities to provide support for contingencies.
 - The CINC Initiative Fund, subject to a \$25M annual cap.
 - Unanticipated costs of disaster relief (FY 92 appropriation of \$25M);
 - Title 10 authorities to provide surplus items for humanitarian relief and separate annual appropriations to transport the articles (generally \$25M).
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- o In providing airlift support for demobilizing troops with respect to Angolan elections, DOD recently took the unusual step of relying on an "emergency and extraordinary expense fund" authority which required no State concurrence. We received Congressional inquiries as to the legal basis for providing such support. In our view, it may have been preferable to rely on the UNPA in this case.

Drafted:L/PM:CSchwab *CS*
8/18/92 SELPM 2532

Cleared:L/PM:ECummings *X* s
L/M:SCummins
D/P&R:ARichards(info)

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PAGE 01 USUN N 00167 140215Z

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ACTION IO-19

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	INRE-00	INR-01	L-03	ADS-00	NSAE-00	NSCE-00	OIC-02
	OMB-01	PA-01	PM-02	PRS-01	P-01	SNP-00	SP-00
	SS-00	TRSE-00	T-01	USIE-00	/043W		
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E.O.12356: N/A
 TAGS: PREL, US, UN, MARR
 REF: STATE 8716
 SUBJECT: P4 MEET ON US PEACEKEEPING REPORT

1. IN A MEETING WITH AMBASSADORS PERKINS AND WALKER LATE JANUARY 13, P4 AMBASSADORS VOICED STRONG PRAISE FOR THE US PEACEKEEPING PAPER. CALLING THE PAPER "EXCELLENT" THE GROUP WELCOMED THE FACT THAT IT WAS CONCRETE, NOT THEORETICAL, TIMELY, AND PROVIDED A GOOD STARTING POINT FOR CONSULTATIONS.
2. THE UK ASKED IF THE PAPER COULD BE FED, EITHER AS A PAPER OR A TALKING BRIEF, INTO A UN PEACE AND SECURITY ISSUES CONFERENCE IT WILL HOST FOR P4 REPRESENTATIVES FEBRUARY 8. IN ADDITION TO THE P4 THE BRITISH HAVE INVITED REPRESENTATIVES OF TRADITIONAL PEACEKEEPERS SUCH AS THE INDIANS AND CANADIANS, AS WELL AS USYG FOR PEACEKEEPING GOULDING AND UN MILITARY ADVISER GENERAL BARIL. AMBASSADOR PERKINS PROMISED TO GET AN ANSWER BY 1000 JANUARY 14.
3. IT WAS AGREED THAT THE CHINESE SHOULD BE KEPT IN THE PICTURE AND THAT A P5 ON THE US PAPER JANUARY 14 WOULD BE A GOOD WAY TO DO THAT. AFTER THE CHINESE HAD SEEN THE PIECE IT WOULD BE WISE TO SHARE IT WITH THE SYG, USYG GOULDING AND OTHER APPROPRIATE SECRETARIAT OFFICIALS AT AN EARLY DATE.
4. ACTION REQUEST: PLEASE ADVISE MISSION SOONEST REGARDING THE PROPOSAL TO SHARE THE US PEACEKEEPING PAPER WITH THE CHINESE IN A P5 JANUARY 14, AS WELL AS

THE UK INVITATION TO PRESENT THE PAPER AT THEIR
CONFERENCE FEBRUARY 8. PERKINS

LIMITED OFFICIAL USE

January 25, 1993

UN Participation Act Limits

- o Section 7 of the UN Participation Act (UNPA) authorizes the President to detail DOD personnel and provide DOD facilities, services and other resources, upon UN request, to support UN activities "specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter."
 - "Chapter VII" means the use of armed force as may be necessary to enforce resolutions adopted under that Chapter to maintain or restore international peace and security. (UNITAF has a Chapter VII mandate.)
 - "Chapter VI" generally describes traditional UN "peacekeeping" activities, such as the current UNOSOM contingent. These activities are directed towards the peaceful resolution of disputes between states and usually but not always are conducted with the consent of the states or parties concerned. Such activities qualify for UNPA support.
- o There are express limits on detailing members of the Armed Forces:
 - The UNPA only authorizes details of "personnel of the armed forces of the United States to serve as observers, guards, or in any noncombatant capacity."
 - The UNPA provides that "in no event shall more than a total of one thousand of such personnel be so detailed at any one time." (This is a worldwide limit.)
- o The UNPA also authorizes the furnishing of facilities, services, or other assistance and the loan of the agreed fair share of the United States of supplies and equipment. Thus, we can provide logistical and other support or services by US troops which remain under US command. If the personnel involved are not formally detailed to the UN, they do not count against the 1000 personnel ceiling.
- o The UNPA authorizes the provision of assistance "notwithstanding the provisions of any other law" (e.g., the Pressler Amendment on assistance to Pakistan).
- o It should be noted that section 6 of the UNPA authorizes the President to negotiate special agreements with the Security Council (which must then be approved by an act of Congress) whereby the US can agree in advance to provide troops to the Security Council for Chapter VII purposes. Senator Biden introduced legislation last year (S.J. Res. 325) to encourage the negotiation of such agreements.

L/PM -- ECummings
SELPM 3297 x-7838

1/16/92

Aug. 18, 1992

TO: PM -- Mr. Grossman

Mark,

You mentioned this morning that Mr. Wisner is interested in peacekeeping activities and will be meeting with you on this today. I asked Carol Schwab to prepare a short paper summarizing the various legal authorities that can be used to fund peacekeeping. You and T may find it useful.

Cheers.

Ed

Ed Cummings, L/PM, x7838

cc: T -- Mr. Polt
PM -- Mr. Beers

AUG 13 1992

PEACEKEEPING AUTHORITIES

The basic legal authorities which are used by the Department to provide assistance for peacekeeping operations are described below.

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Drafted:L/PM:CSchwab 
8/18/92 SELPM 2532

Cleared:L/PM:ECummings 
L/M:SCummins
D/P&R:ARichards(info)

JCS

18 January 1993

To: Nancy Bearg Dyke
Major Mike Sheehan

Subject: Draft Report to Deputies on Peacekeeping

Joint Staff nonconcurs with proposed draft report. Pen changes have been made for adjustments. Additional changes may be forthcoming. A revised report is required for review prior to Joint Staff concurrence.

V/R



J. Battaglini, Col, USMC
J-5, UN, (703) 695-1322

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. paper	Implementation of Presidential Directive on Peacekeeping and Emergency Humanitarian Relief (8 pages)	01/14/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 3827

FOLDER TITLE:

Somalia Files, 1992-1993 [loose] [2]

2012-0659-F
ke4208

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]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- 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]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- 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
006. paper	The Case of Somalia: New Precedents (1 page)	01/00/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 3827

FOLDER TITLE:

Somalia Files, 1992-1993 [loose] [2]

2012-0659-F
ke4208

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January 25, 1993

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. cable	USYG Goulding Chats About Status of PK OPS: So Few Resources and So Much To Do (3 pages)	01/12/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 3827

FOLDER TITLE:

Somalia Files, 1992-1993 [loose] [2]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. map	[Duplicate of 002] (1 page)	12/00/1992	P1/b(1)

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National Security Council
Transnational Threats (Clarke, Richard)
OA/Box Number: 3827

FOLDER TITLE:

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Financing an Effective United Nations

A Report of the Independent Advisory Group on U.N. Financing

Shijuro Ogata, Co-Chairman
Paul Volcker, Co-Chairman

Abdul Aziz Al-Quraishi
Raymond Barre
Pehr Gyllenhammar
Olusegun Obasanjo
I. G. Patel
Karl Otto Pöhl
David Scholey
Stanislav Shatalin
Jesus Silva Herzog

**A Project of
The Ford Foundation
February 1993**