

109TH CONGRESS
1ST SESSION

H. R. 3396

To facilitate lasting peace, democracy, and economic recovery in Somalia.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2005

Mr. SMITH of Washington (for himself, Mr. PETRI, Mr. PAYNE, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To facilitate lasting peace, democracy, and economic recovery
in Somalia.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Somalia Comprehensive Peace and Economic Recovery
6 Act of 2005”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Statement of policy.
- Sec. 4. Fighting terrorism and and extremism in Somalia.
- Sec. 5. Supporting peace, democracy, and stability in Somaliland.

- Sec. 6. Investigation of war crimes and crimes against humanity in Somalia.
Sec. 7. Bilateral assistance to support peace and democracy in Somalia.
Sec. 8. Multilateral efforts to support peace and democracy in Somalia.
Sec. 9. Sanctions to support peace and human rights in Somalia.
Sec. 10. Assistance for local efforts to promote human rights, the rule of law,
and democracy in Somalia.
Sec. 11. Report.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In 1991, General Mohamed Siad Barre,
4 who came to power in Somalia through a military
5 coup in 1969, was ousted from power by several So-
6 mali armed groups.

7 (2) Following the collapse of central authority
8 in Mogadishu, the capital, rival Somali groups en-
9 gaged in armed struggle for personal political power
10 and prevented food and medicine from reaching in-
11 nocent civilians suffering from drought and famine.
12 An estimated 300,000 people died from violence,
13 starvation, and disease as Somalia was wracked by
14 continued internal chaos.

15 (3) On November 9, 1992, President George
16 H.W. Bush authorized Operation Restore Hope,
17 using the United States Armed Forces to safeguard
18 nongovernmental organizations and their efforts to
19 provide humanitarian assistance to the suffering So-
20 mali civilian population. The United States-led Uni-
21 fied Task Force (UNITAF), formed to establish a
22 safe environment for the delivery of humanitarian

1 assistance in Somalia, saved lives and helped create
2 a relatively peaceful environment for humanitarian
3 activity in Somalia.

4 (4) In May 1993, UNITAF handed over its op-
5 erations to the United Nations. The subsequent
6 United Nations effort was known as the United Na-
7 tions Operation in Somalia (UNOSOM). The relative
8 success of UNITAF gave the people of Somalia hope
9 for peace and stability, although the United States-
10 led operation failed to disarm the armed factions in
11 Mogadishu and other parts of Somalia.

12 (5) On October 3, 1993, after a seventeen-hour
13 battle between United States Armed Forces and So-
14 mali factions in Mogadishu in which 18 United
15 States Army Rangers and hundreds of Somalis were
16 killed, President Clinton ordered the withdrawal of
17 United States troops from Somalia. In March 1994,
18 United States Armed Forces withdrew from Soma-
19 lia, and one year later, the United Nations withdrew
20 the remaining peacekeepers after a series of attacks
21 on peacekeeping troops by Somali armed factions.

22 (6) Since the withdrawal of United Nations
23 forces in March 1995, Somalia has been without a
24 central government. The small East African country
25 once again descended into lawlessness. Since then,

1 Somalia has been splintered into several regions con-
2 trolled by clan-led administrations.

3 (7) According to the United Nations, an esti-
4 mated 400,000 Somalis have been internally dis-
5 placed and more than 300,000 have fled their coun-
6 try. Somali children are 26 times more likely to die
7 before their 5th birthday than children in the devel-
8 oped world. More than one in ten infants die before
9 the age of one year. Infant mortality is the 10th
10 highest in the world. The country has one of the
11 highest incidences of tuberculosis in the world.
12 Meanwhile, cholera epidemics are rampant.

13 (8) There have been 13 Somali reconciliation or
14 peace conferences to bring an end to the fighting in
15 Somalia. Some conferences were under the auspices
16 of or supported by the United Nations, or govern-
17 ments in the Horn of Africa. These efforts have
18 largely failed to bring about lasting peace in Soma-
19 lia.

20 (9) In 1996, the Government of Ethiopia con-
21 vened a peace conference in the resort town of
22 Sodere. Many political actors and armed factions
23 participated, although a few boycotted the peace
24 conference. The Sodere peace conference collapsed
25 when the Government of Egypt convened another

1 Somali peace conference in Cairo in 1997. The Cairo
2 peace conference failed when another peace con-
3 ference was convened by Somali factions in Bosaso,
4 Somalia in 1998.

5 (10) In February 2000, the Inter-Governmental
6 Authority for Development (IGAD) approved a
7 peace plan proposed by the Government of Djibouti.
8 In May 2000, the Somali reconciliation conference
9 opened in Arta, Djibouti, in which 400 delegates
10 took part for several months of deliberation. The
11 Arta process was boycotted by several powerful war-
12 lords, as well as the government of Somaliland, the
13 current government located in the northwest region
14 of Somalia, and the government of Puntland, the
15 current government based in the self-declared north-
16 east region of Somalia.

17 (11) On August 13, 2000, participants at the
18 Arta conference agreed to the creation of a Transi-
19 tional National Government and a Transitional Na-
20 tional Assembly for Somalia. On August 26, 2000,
21 participants nominated Abdulqassim Salad Hasan as
22 president of the Transitional National Government.

23 (12) In October 2002, the Inter-Governmental
24 Authority for Development launched another peace
25 process, led by the Government of Kenya. An esti-

1 mated 350 delegates from different regions of Somalia
2 participated in the opening session of the conference
3 in the Kenyan town of Eldoret. The Government
4 of Somaliland boycotted the conference.

5 (13) In the first phase of the Kenyan peace
6 process, the parties signed a temporary cease-fire,
7 and agreed to respect and honor the outcome of the
8 conference. The parties further agreed to establish a
9 federal system of government for Somalia and committed
10 themselves to fight terrorism.

11 (14) In September 2003, the parties to the
12 Kenyan peace process agreed on a Transitional National
13 Charter for Somalia, paving the way for a national
14 unity government for Somalia.

15 (15) In August 2004, a new Somali Transitional
16 Parliament was inaugurated in Kenya. The
17 275-member parliament consists of the major political
18 factions in Somalia and is representative of all
19 the major clans of Somalia.

20 (16) In October 2004, the Somali Transitional
21 Parliament elected Abdullahi Yusuf Ahmed as the
22 new president of Somalia. The swearing in ceremony
23 was attended by 11 heads of government from Africa
24 and representatives from regional organizations
25 and the United Nations.

1 (17) In November 2004, President Abdullahi
2 Yusuf Ahmed appointed Professor Ali Mohamed
3 Gedi as the Prime Minister of Somalia.

4 (18) The Government of Kenya has and con-
5 tinues to play key roles through its Special Envoy
6 for Somalia, Ambassador Kiplagat, in an effort to
7 achieve a lasting peace in Somalia.

8 (19) The Governments of Djibouti and Ethiopia
9 are important players in the Somali peace process
10 and their continued cooperation and coordination
11 with the regional effort is important to ensuring
12 peace in Somalia.

13 **SEC. 3. STATEMENT OF POLICY.**

14 It is the policy of the United States to support the
15 people of Somalia to achieve lasting peace, democracy, rule
16 of law, respect for human rights, broad-based economic
17 recovery and growth, and eradicate radicalism and ter-
18 rorism from their country and the region.

19 **SEC. 4. FIGHTING TERRORISM AND EXTREMISM IN SOMA-**
20 **LIA.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Since the collapse of central authority in
23 Somalia in 1991, Somalia continues to attract ter-
24 rorist and extremist groups, posing serious threats
25 to regional stability and peace. Terrorists who car-

1 ried out the United States Embassy bombings in
2 Kenya and Tanzania in August 1998 and the bomb-
3 ing of the Paradise Hotel in Mombasa, Kenya, in
4 November 2002 reportedly used Somalia as a base
5 of operation.

6 (2) The United States Government, in its in-
7 dictment against Osama bin Laden and his associ-
8 ates for the United States Embassy bombings in
9 Kenya and Tanzania in August 1998 stated that “at
10 various times from or about 1992 until in or about
11 1993, the defendant Osama bin Laden, working to-
12 gether with members of the Fatwah committee of
13 Al-Qaeda, disseminated Fatwahs to other members
14 and associates of Al-Qaeda that the United States
15 forces in the Horn of Africa, including Somalia,
16 should be attacked”.

17 (3) In late September 2001, the United States
18 Government added Al-Ittihad to a list of terrorism-
19 related entities whose assets were ordered frozen by
20 executive order. The United States Government also
21 ordered the assets of the Somali-owned al-Barakaat
22 company frozen because of its alleged links to Al-
23 Qaeda.

24 (4) Many experts believe that Somalia is still
25 being used by terrorist groups as a transit or safe

1 haven, contributing to the destabilization of the East
2 Africa region.

3 (5) In June 2003, President George W. Bush
4 announced a \$100,000,000 East Africa Counter
5 Terrorism Initiative to close the capabilities gap in
6 combating terrorism and to reduce East Africa's
7 vulnerabilities to terrorism.

8 (6) The United States Government welcomes
9 the commitment of the Transitional National Gov-
10 ernment of Somalia to fight terrorism and extre-
11 mism. It is in the interest of the peoples of Somalia
12 and the United States to ensure terrorist groups are
13 denied safe haven in Somalia and the region.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) the United States should assist the people
17 of Somalia to establish a democratic government
18 that is committed and able to fight terrorism and
19 extremism;

20 (2) the United States should provide training
21 and support to the Transitional National Govern-
22 ment of Somalia to fight terrorism and extremism;
23 and

24 (3) strengthening civil society and grassroots
25 efforts in Somalia will deny terrorist and extremists

1 groups a fertile ground for recruitment in that coun-
2 try.

3 **SEC. 5. SUPPORTING PEACE, DEMOCRACY, AND STABILITY**
4 **IN SOMALILAND.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) In May 1991, the Republic of Somaliland,
7 located in the northwest region of Somalia, declared
8 independence from Somalia. The Republic of
9 Somaliland has not been recognized as an inde-
10 pendent country, despite its persistent efforts over
11 the past decade.

12 (2) Since its declaration of independence,
13 Somaliland has been relatively stable and peaceful,
14 despite occasional inter-clan conflicts.

15 (3) In December 2002, the people of
16 Somaliland voted in local elections, which were mon-
17 itored by international observers. The elections were
18 deemed by these observers as free and fair.

19 (4) In April 2003, Dahir Rayale Kahin was
20 elected president of Somaliland in a highly-competi-
21 tive presidential election, which was monitored by
22 international observers.

23 (b) STATEMENT OF POLICY.—Congress recognizes
24 and welcomes the many achievements over the past decade
25 by the people and government of Somaliland, including in-

1 creased enrollment in primary schools, relative peace and
2 stability, and economic recovery.

3 (c) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the political future of Somaliland should be re-
5 solved through a peaceful, negotiated process between the
6 government of Somaliland and the Transitional National
7 Government of Somalia.

8 **SEC. 6. INVESTIGATION OF WAR CRIMES AND CRIMES**
9 **AGAINST HUMANITY IN SOMALIA.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) According to human rights groups, the
12 United Nations, and the international media, more
13 than 500,000 people may have died as a result fam-
14 ine, disease, and war-related causes in Somalia.
15 Many of these victims are civilians, especially chil-
16 dren and the elderly.

17 (2) Hundreds of thousands of innocent civilians
18 in Somalia have been displaced or forced into ref-
19 ugee camps as a direct result of the brutal campaign
20 of violence against civilians by Somalia’s warlords.

21 (3) Millions of children in Somalia have been
22 deprived of basic health care and education due to
23 violence and general instability instigated by Soma-
24 lia’s warlords.

1 (b) DECLARATIONS OF POLICY.—Congress declares
2 the following:

3 (1) War crimes and crimes against humanity
4 have been committed against innocent civilians over
5 the past decade by Somali warlords in many parts
6 of Somalia.

7 (2) Individuals responsible for war crimes and
8 crimes against humanity should be held accountable
9 for their actions.

10 (c) INTERNATIONAL COMMISSION OF INQUIRY.—The
11 President is authorized to seek the establishment of an
12 international commission of inquiry to investigate war
13 crimes, crimes against humanity, and other violations of
14 human rights and international humanitarian law in So-
15 malia. In carrying out this subsection, the President
16 should instruct the Permanent United States Representa-
17 tive to the United Nations to use the voice and vote of
18 the United States to seek the establishment of an inter-
19 national commission described in the preceding sentence.

20 (d) STUDY AND REPORT.—

21 (1) STUDY.—The Secretary of State shall con-
22 duct an annual study of acts which may constitute
23 war crimes, crimes against humanity, and other vio-
24 lations of human rights and international humani-
25 tarian law by armed factions in all areas of Somalia

1 since the collapse of central authority in Somalia in
2 1991.

3 (2) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act and annually
5 thereafter, the Secretary of State shall submit to
6 Congress a detailed report that contains the results
7 of the study conducted under paragraph (1), includ-
8 ing a list of warlords who are responsible for crimes
9 against humanity in Somalia, a strategy for holding
10 the warlords accountable, including freezing finances
11 and restricting travel, and a determination by the
12 Secretary of the impact of such measures on the
13 peace process in Somalia.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There are authorized to be
16 appropriated to the President to carry out this sec-
17 tion \$5,000,000 for fiscal year 2006 and such sums
18 as may be necessary for each of the fiscal years
19 2007 and 2008.

20 (2) AVAILABILITY.—Amounts appropriated pur-
21 suant to the authorization of appropriations under
22 paragraph (1) are—

23 (A) authorized to remain available until ex-
24 pended; and

1 (B) in addition to funds otherwise available
2 for such purposes.

3 **SEC. 7. BILATERAL ASSISTANCE TO SUPPORT PEACE AND**
4 **DEMOCRACY IN SOMALIA.**

5 (a) ASSISTANCE.—The President is authorized to—

6 (1) support efforts for a peaceful resolution of
7 the conflict in Somalia as well as the establishment
8 of a representative form of government in Somalia;

9 (2) continue to encourage the participation of
10 all groups, including women, traditional and reli-
11 gious leaders, and minority clans historically
12 marginalized by the major clans of Somalia, in ef-
13 forts for a peaceful resolution of the conflict in So-
14 malia as well as the establishment of a representa-
15 tive form of government in Somalia; and

16 (3) encourage Inter-Governmental Authority for
17 Development (IGAD) mediators to insist on broader
18 participation in the new government of Somalia.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to the President to carry out this sec-
22 tion \$40,000,000 for each of the fiscal years 2006,
23 2007, and 2008.

1 (2) AVAILABILITY.—Amounts appropriated pur-
2 suant to the authorization of appropriations under
3 paragraph (1) are—

4 (A) authorized to remain available until ex-
5 pended; and

6 (B) in addition to funds otherwise available
7 for such purposes.

8 **SEC. 8. MULTILATERAL EFFORTS TO SUPPORT PEACE AND**
9 **DEMOCRACY IN SOMALIA.**

10 It is the sense of Congress that—

11 (1) the international community should assist
12 the people of Somalia to achieve lasting peace, pro-
13 mote human rights and the rule of law, and provide
14 financial assistance in support of peace and eco-
15 nomic development in Somalia;

16 (2) the African Union and the United Nations
17 should consider the deployment of peacekeepers in
18 support of peace and democracy in Somalia;

19 (3) the United Nations should consider the de-
20 ployment of human rights monitors throughout So-
21 malia to ensure respect for human rights and the
22 rule of law during the transition period;

23 (4) the United Nations should maintain and
24 fully enforce the arms embargo on Somalia;

1 (5) the United Nations should assist in the de-
2 mobilization, reintegration, and resettlement of mili-
3 tia groups in Somalia; and

4 (6) the United Nations should assist in the re-
5 settlement of Somalia's internally displaced persons
6 and refugees.

7 **SEC. 9. SANCTIONS TO SUPPORT PEACE AND HUMAN**
8 **RIGHTS IN SOMALIA.**

9 (a) DETERMINATION.—If, at any time beginning on
10 or after the date of the enactment of this Act, the Presi-
11 dent determines that the Transitional National Govern-
12 ment of Somalia or any regional authority in Somalia—

13 (1) is not honoring the peace agreement or is
14 not fully implementing the agreement in good faith,

15 (2) is not cooperating in counterterrorism ef-
16 forts,

17 (3) is not respecting basic human rights and
18 the rule of law, or

19 (4) is engaged in unnecessary conflicts inside
20 Somalia or with its neighbors,

21 the President shall impose the sanctions described in sub-
22 section (b).

23 (b) SANCTIONS.—The sanctions described in this
24 subsection are the following:

1 (1) Denial of visas and entry into the United
2 States to senior officials of the Transitional National
3 Government of Somalia and each regional authority
4 in Somalia, including senior military officers.

5 (2) Such action as may be necessary to impose
6 a sanctions regime to freeze funds or assets of offi-
7 cials described in paragraph (1) at United States fi-
8 nancial institutions, subject to such terms and condi-
9 tions as the President determines to be appropriate.

10 (3) Withholding the provision of United States
11 assistance for Somalia, other than United States hu-
12 manitarian assistance.

13 (c) WAIVER.—The President may waive the require-
14 ment to impose sanctions under this section if the Presi-
15 dent determines that it is in the national security interest
16 of the United States to do so and transmits to Congress
17 a report that contains the reasons for the determination.

18 **SEC. 10. ASSISTANCE FOR LOCAL EFFORTS TO PROMOTE**
19 **HUMAN RIGHTS, THE RULE OF LAW, AND DE-**
20 **MOCRACY IN SOMALIA.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) respect for human rights and the rule of
24 law should remain a high priority in United States
25 policy toward Somalia; and

1 (2) the United States should work with the peo-
2 ple of Somalia, other countries, and international or-
3 ganizations to ensure that sufficient resources and
4 technical support are devoted to the demobilization
5 and reintegration of warlords and their forces into
6 Somali civil society.

7 (b) ASSISTANCE.—The President is authorized to
8 provide assistance for local efforts to promote human
9 rights, the rule of law, and democracy in Somalia.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the President to carry out this sec-
13 tion \$5,000,000 for each of the fiscal years 2006,
14 2007, and 2008.

15 (2) AVAILABILITY.—Amounts appropriated pur-
16 suant to the authorization of appropriations under
17 paragraph (1) are—

18 (A) authorized to remain available until ex-
19 pended; and

20 (B) in addition to funds otherwise available
21 for such purposes.

22 **SEC. 11. REPORT.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act and annually thereafter, the President

1 shall transmit to Congress a detailed report on the imple-
2 mentation of this Act.

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