

Nothing Like the Sun: Illegality of American Armed Attacks in Somalia and Climate's Effects in the Country



Mogadishu, Somalia. U.S. Marine Gen. Thomas D Waldhauser (right) commanding general, U.S. Africa Command, U.S. Ambassador to Somalia Donald Yamamoto (center), and U.S. Army Major Gen. James D. Craig (left), commanding general, Combined Joint Task Force – Horn of Africa, pose for a photo with officers and U.S. officials in Mogadishu, Somalia Nov. 27, 2018. During his visit to Mogadishu Waldhauser also met with Somali President Mohamed Abdullah Mohamed to discuss development, security and stability in Somalia. (U.S. Navy Photo by Mass Communication Specialist 1st Class Nick Scott).¹



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¹ See website of the United State military Africa Command: <https://www.africom.mil/media-room/Article/31366/commander-of-united-states-africa-command-visits-somalia>

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“Richard Rouget, a gun for hire over two decades of bloody African conflict, is the unlikely face of the American campaign against militants in Somalia.

A husky former French Army officer, Mr. Rouget, 51, commanded a group of foreign fighters during Ivory Coast’s civil war in 2003, was convicted by a South African court of selling his military services and did a stint in the presidential guard of the Comoros Islands, an archipelago plagued by political tumult and coup attempts.

Now Mr. Rouget works for Bancroft Global Development, an American private security company that the State Department has indirectly financed to train African troops who have fought a pitched urban battle in the ruins of this city against the Shabab, the Somali militant group...Still, over the past year, the United States has quietly stepped up operations inside Somalia, American officials acknowledge. The Central Intelligence Agency, which largely finances the country’s spy agency, has covertly trained Somali intelligence operatives, helped build a large base at Mogadishu’s airport — Somalis call it “the Pink House” for the reddish hue of its buildings or “Guantánamo” for its ties to the United States — and carried out joint interrogations of suspected terrorists with their counterparts in a ramshackle Somali prison.”

Jeffrey Gettleman et al, “U.S. Relies on Contractors in Somalia Conflict”, *New York Times*, 10 August 2011.

“A covert effort by the Central Intelligence Agency to finance Somali warlords has drawn sharp criticism from American government officials who say the campaign has thwarted counterterrorism efforts inside Somalia and empowered the same Islamic groups it was intended to marginalize.”

Mark Mazzetti, “Efforts by C.I.A. Fail in Somalia, Officials Charge”, *New York Times*, 8 June 2006.

“Who the hell wrote the script?”

HRH Charles Prince of Wales, Presenting BBC Scotland Weather Forecast, 2012.²

² See Anita Singh, “Prince Charles presents the BBC weather forecast”, *The Telegraph*, 10 May 2012, <https://www.telegraph.co.uk/news/uknews/prince-charles/9257611/Prince-Charles-presents-the-BBC-weather-forecast.html>. See also Reversal of Fortune Film, 1990 “Ron Silver / Alan Dershowitz: You do have one thing in your favor - everybody hates you. Jeremy Irons / Claus von Bulow: Well, that is a start.” In a rare 9 June 2010 lecture at Oxford University titled “Islam and the Environment”, HRH Prince of Wales expressed his philosophical views on the universe providing similar assertions included in David Attenborough’s later quote: <https://www.princeofwales.gov.uk/speech/speech-hrh-prince-wales-titled-islam-and-environment-sheldonian-theatre-oxford>. The only reasonable response to HRH Prince Charles’ immature analysis, which reflects the positions of the British army, its various intelligence agencies, and large segments of British society who are fixated with modernization and live in denial of their conduct is contempt. A Bernard Lewis follower the Royal stated in another lecture he delivered 17 years earlier at the same university titled “Islam and the West” that ‘I confess that I have few qualifications as a scholar to justify my presence here’. It seems that the duties imposed on him by the British Monarchy have consistently undermined the Prince’s academic potential. For unclear reasons Britain has assumed the role of the divine in international affairs committing constant atrocities without claiming responsibility for its conduct, a behavior that distinguishes this country from ordinary terrorist actors in all parts of the globe. In general, the British

“If you would like a transcript of tonight’s show, then you should really think about getting a life.”

Steve Martin, Opening of the Oscars, 2010.

“In the short time that I have been making television programs, the population of the world has tripled. Three times many people on earth as they were 60 years ago. And they all need places to live, food to eat, and schools for children. We all need that. And all those things need space. Where does it come from? It comes from the natural world. We know that the seas are warming up...there is less and less space to grow food. And there are more and more people. So, all of those things mean that the world in which I grew up will be transformed.”

David Attenborough, “The world will be transformed”, *The Guardian*, 29 November 2016.

<https://www.theguardian.com/environment/video/2016/nov/29/david-attenborough-on-climate-change-the-world-will-be-transformed-video>

“It’s a cruel world.”

David Attenborough, narrating one of his BBC nature programs.

“Faces of Somalia that have haunted our screens in 2017. Children in the grip of famine. ITV News repeatedly highlighted the hospitals that were overflowing.... An emergency appeal brought water for the lucky few. Then on our last visit, cholera had taken hold. Now...six months later, has life gotten any better? ... After three years of drought, the short rains expected in October and November have also failed. Families have forced to seek help in the camps.”

British ITV News, December 2017.³

<https://www.youtube.com/watch?v=Pe5CNQUXJE&feature=youtu.be>

parliament has failed to acknowledge these unhelpful crimes against humanity inflicted upon other societies for no purpose other than to diminish their increased populations.

³ See also, “Somalia famine – cholera outbreak”, *BBC*, 13 March 2017, <https://www.youtube.com/watch?v=xIGxWGDZl38&feature=youtu.be> (“This is Baidar. A town besieged by two unforgiving enemies. The soldiers are here to guard against Al-Shabab, the militant Islamists controlling the countryside in this corner of Somalia. But it’s the second enemy drought that is now far more dangerous. Nine-year-old Ali has just been carried into the local hospital. He’s unconscious. But it’s not from hunger. Not yet. After three years of failed rains, clean water is hard to find. The doctors here think they are battling a sudden outbreak of cholera.... many families have walked miles to get help. It’s a cruel opening salvo of disease before famine marches into town. Like any town under siege is digging in and praying that reinforcements arrive soon. As things stand they only have enough supplies to help one in ten who need it. And there is little doubt that things are going to get a lot worse. New arrivals seeking shade on the edge of town. During the last famine in 2011 many left it too late to before moving to seek help. So maybe this counts as progress.”

“It’s time we all reach out
for something new, that means you too”

Prince, Purple Rain

“Cold, cold heart

...

No sacrifice

It’s no sacrifice at all”

Elton John, Sacrifice

يضعط على أزرار الكترونية. يقتل ويختفي. يرانا ولا نراه، لا لأنه شبح، بل لأنه قناع فولاذي لفكرة... لا ملامح
له ولا عيان ولا عمر ولا اسم. هو... هو الذي اختار أن يكون له اسم وحيد: العدو.

محمود درويش، العدو، ديوان أثر الفراشة.

“The legal profession may not have engendered much public sympathy over the years, but the important message behind a strike would be about the predicament of the public they serve, not lawyers themselves. This has been clearly articulated ever since the draconian measures were announced, even if it has been largely dismissed by monotonous mantras from a hidebound government.”

Michael Mansfield, “Legal aid cuts: if lawyers don’t defend justice for all, who will?”, *The Guardian*, 22 May 2012.

Introduction

The Africa Command of the United States military has been engaged in armed attacks in Somalia in violation of international law. The first reported armed attack in Somalia was in 2007. They increased during the Obama administration and intensified under Trump's. United Nations Security Council resolution 1744 of 21 February 2007 adopted unanimously under chapter VII of the United Nations Charter authorized African Union member states to take necessary measures to assist the Somali authorities to reach reconciliation with the various armed groups in the country and restore order when needed.

The American official justification for use of force in Somalia against suspected armed groups is based on the post 11 September 2001 paradigm of combatting global terrorism, specifically the 18 September 2001 Authorization for Use of Military Force Resolution. The United States military has invoked this rationale although the Somali government is an ally of the United States that receives funding as well as military training and despite the fact that no one in Somalia had attacked the United States or has been planning to do so.

The Trump administration has designated areas in Somalia as combat zone, with no clear basis either in American law or international law. This administration has also reduced constraints applied to the military's use of force in previous years and decided not to publish information about casualties of armed attacks.

In addition, this report relates to the CIA's quest to increase its armed activities in various parts of the world, including in Africa, and the legal problems that it generates. A non-military organ of the United States government, the CIA's personnel use of force in combat zones involving the United States military amounts to civilians taking direct part in hostilities. As such they could be a legitimate target for lethal armed attack and, if captured, they would not enjoy the status of prisoners of war and the immunities attached to it. In non-battlefield zones, the CIA's armed activities are plainly illegal and form assassinations.

Although Somalia is experienced with past difficult weather conditions the drought of recent years has contributed significantly to devastating Somali society and the country's economy. A United Nations commissioned study produced by scholars from the London School of Hygiene & Tropical Medicine and John Hopkins University has estimated that between October 2010 and April 2012 the drought in Somalia has been a major cause for the death of about 258,000 people, 133,000 of them children under the age of 5. According to 2018 reporting of the British newspaper The Telegraph Somalia's drought of the past several years has been the worst in its history affecting also neighboring countries.



John Brennan

Former CIA Director and Presidential Counter Terrorism Adviser

Brief Background on Somalia



Map of Somalia, BBC



Jeffrey Gettleman, “Misery Follows as Somalis Try to Flee Hunger”, *New York Times*, 15 July 2011⁴

Somalia became an independent state in 1960 after having been dominated by Italy and Britain.⁵ Shortly thereafter the country engaged in border disputes with Kenya⁶ and Ethiopia.⁷ Somalia’s population is slightly more than 11 million, a number that suffers from inaccuracies given the nomadic nature of portions of the Somali society. The economy is heavily dependent on agriculture and livestock. It is considered one of the poorest states on the planet. The United Nations Department of Economic & Social Affairs places Somalia with the least developed countries in the world estimating its Gross National Income per capita at \$2,460.⁸ The World Bank categorizes Somalia together with the Heavily Indebted Poor Countries (HIPC) whose GNI per capita is less than \$2,323.⁹

Two years after the first presidential elections held in 1967, the elected president was ousted in a coup led by Muhammad Siad Barre.¹⁰ In 1977 Somalia invaded a Somali inhabited region in Ethiopia – Ogaden.¹¹ The two countries reached a peaceful settlement in 1988.¹² Three years after Somali leader Mohamed Siad Barre was ousted. The ensuing conflict in the country claimed many lives.¹³ The subsequent instability in Somalia engaged the United Nation’s Security Council which

⁴ “The people start trudging in at dawn, more than a thousand every day, exhausted, sick and starving, materializing out of the thin desert air to take their places at the gates of the world’s largest refugee camp, here in northern Kenya. They are fleeing one of the worst droughts in Somalia in 60 years and many have walked for weeks through an anarchic landscape replete with bandits and militants but little food.” See also Adrian Blomfield, “Hunger, diseases, and violence: Is Somalia the worst place in the world to be a child?”, *The Telegraph*, 2 October 2018.

⁵ Foreign Staff, “UK ‘warned of Somalia Warfare’”, *The Telegraph*, 26 September 2013.

⁶ “Somali Fight for Autonomy in Kenya Involves Bullets, Ballots, and Hit-and-Run Banditry; Tiny Border War Pressed by Kenya; Troops Trying to Wipe Out Elusive Rebel Bands”, *New York Times*, 19 April 1964.

⁷ “Somalia Claims Border Victory; Ethiopian Report Differs – Peace Talks in Danger”, *New York Times*, 28 March 1964.

⁸ See <https://www.un.org/development/desa/dpad/least-developed-country-category-somalia.html>; the United States’ GNI is estimated to be 61,000\$, Britain’s 44,000\$, and Saudi Arabia’s 54,000\$: <https://data.oecd.org/natincome/gross-national-income.htm>. The combined GDPs of Somalia and its neighbors Kenya, Ethiopia and Djibouti is less than the estimated cumulative fortune of the wealthiest three Americans: Somalia (7.369b\$), Kenya (74.95b\$), Ethiopia (80.56b\$), and Djibouti (1.845b\$) compared to Jeff Bezos (131b\$), Bill Gates (96.5b\$), and Warren Buffet (84b\$).

⁹ See <https://data.worldbank.org/indicator/ny.gnp.pcap.pp.cd>

¹⁰ Marvin Howe, “Somali Junta Urges Sacrifice to Help Troubled Nation”, *New York Times*, 6 September 1970.

¹¹ John Darnton, “Ethiopia and Pro-Somali Rebels Claim Success in Border Conflict”, *New York Times*, 22 July 1977; “Ethiopia Now Talks of Full-Scale War”, *New York Times*, 9 August 1977; Michael T. Kaufman, “Ethiopian Diplomat Says Somalia Gains”, *New York Times*, 10 August 1977; Michael T. Kaufman, “Ethiopia Shows Shot – Down Somali Jet, Cache of Arms”, *New York Times*, 15 August 1977; John Darnton, “Capture of Key Ethiopian Town Seem to Give Initiative to Somalis”, *New York Times*, 19 September 1977; John Darnton, “Somali Front Leader Bars Cease – Fire With Ethiopia”, *New York Times*, 25 September 1977; Gregory Jaynes, “Ogaden War Producing Little But Refugees”, *New York Times*, 18 November 1979.

¹² Sheila Rule, “Somalia and Ethiopia Resume Relations”, *New York Times*, 5 April 1988.

¹³ Jane Perlez, “Fighting Subsides in Somalia’s Capital”, *New York Times*, 29 January 1991; Reuters, “In Somalia, Graves and Devastation”, *New York Times*, 30 January 1991; The Associated Press, “Hundreds Slain in 5th Day of Strife in Somalia”, *New York Times*, 22 November 1991; Jane Perlez, “Factional Fighting in Somalia Terrorize and Ruins Capital”, *New York Times*, 8 December 1991. This period witnessed a declaration of independence in the northern part of the country Somaliland by the Isaak clan: Jane Perlez, “Somali Capital a Grisly Battlefield as Civilians Die in Clan Warfare”, *New York Times*, 29 November 1991. In 1998 Puntland declared its independence also in the northern part of Somalia: <http://plgov.com/government/about-puntland>. In 2004 rival Somali warlords reached a deal to

called to provide humanitarian assistance to the Somali population and imposed an embargo on providing weapons to the warring factions.¹⁴

U.N. Security Council resolution 751 of 21 April 1992 formed a United Nations security force to facilitate humanitarian assistance to Somalia. U.N. Security Council resolution 794 of 3 December 1992 granted powers to states to uphold the arms embargo. Although the United Nations Security Council resolutions were adopted under Chapter VII of the United Nations Charter, no resolution had specifically authorized international, regional, or national armies to use force in Somalia for purposes beyond securing the allocation of humanitarian assistance.

While participating in the United Nations mission in Somalia,¹⁵ the United States military was involved in several incidents of gun fire battles against Somalis.¹⁶ President Clinton's decision to send elite military force to Somalia with combative assignments seemed to be not in line with the international mandate of the United Nations Security Council.¹⁷ In one incident American forces opened fire at Somalis in the capital Mogadishu killing about 100 people.¹⁸ President Clinton provided full backing to the operations of the American military,¹⁹ while the New York Times questioned it.²⁰ In another incident the American military killed more than 300 also in the Somali capital and injured more than 700, many of them women and children.²¹ Even Pentagon officials were critical of this operation:

At the Pentagon, some military officials are sharply critical of the raid. They assert that the Rangers underestimated their foe and failed to coordinate adequately with the United Nations peacekeepers, demonstrating a hubris sometimes associated with commando

establish a central government and a representative parliament in the capital Mogadishu: Marc Lacey, "Somalis Reach Peace Deal After Dozen Years of Fighting", *New York Times*, 30 January 2004. See also Donald G. McNeil Jr., "A New Security of Somalia as the Old Anarchy Reigns", *New York Times*, 10 February 2002.

¹⁴ See U.N. Security Council resolutions 733 of 23 January 1992, 746 of 17 March 1992, 751 of 21 April 1992, 767 of 24 July 1992, 775 of 28 August 1992, 794 of 3 December 1992; 814 of 26 March 1993; 837 of 6 June 1993; 865 of 22 September 1993; 878 of 29 October 1993; 885 of 16 November 1993; 886 of 18 November 1993; 897 of 4 February 1994; 923 of 31 May 1994; 946 of 30 September 1994; 953 of 31 October 1994; 954 of 4 November 1994.

¹⁵ See The Associated Press, "U.S. General Hands Over Relief Operation in Somalia to U.N.", *New York Times*, 5 May 1993. A year earlier Human Rights Watch could not tolerate one of its employee's critique of the deployment of American troops into Somalia. According to the deputy director at the time and the organization's current Executive Director Ken Roth the employee "was told not to keep speaking that way." See Jay Mathews, "Rights Group Fires Opponent of U.N. Intervention", *Washington Post*, 4 December 1992.

¹⁶ See, for example, The Associated Press, "Two G.I.'s Wounded in an Ambush in Somalia", *New York Times*, 25 July 1993; Reuters, "3 Killed as U.S. Chopper Is Shot Down in Somalia", *New York Times*, 25 September 1993.

¹⁷ See Eric Schmitt, "U.S. Troops Raise Stakes in Somalia", *New York Times*, 25 August 1993; Eric Schmitt, "U.S. Mission in Somalia: Seeking a Clear Rationale", *New York Times*, 27 August 1993; Donatella Lorch, "U.N. Aides in Somalia 'Captured' in Ranger Raid", *New York Times*, 31 August 1993.

¹⁸ Michael R. Gordon, "U.S. Troops Fire on Somalis; Death Toll May Reach 100", *New York Times*, 10 September 1993.

¹⁹ Gwen Ifill, "President Defends American Presence in Somalia", *New York Times*, 18 September 1993.

²⁰ "Somalia: From Bad to Worse", *New York Times*, 12 September 1993.

²¹ John H. Cushman Jr., "Death Toll About 300 in Oct. 3 U.S. - Somali Battle", *New York Times*, 14 October 1993. See also John H. Cushman Jr., "Mission in Somalia is to Secure City", *New York Times*, 10 October 1993; Reuters, "The Somalia Mission; Clinton's Words on Somalia: 'The Responsibilities of American Leadership'", *New York Times*, 8 October 1993.

operations. A United Nations military official also asserted that the autonomy of the Special Forces had hampered military planning.²²

Somalia continued to suffer from disturbances.²³ American forces withdrew from the country in 1994,²⁴ returning a year later to assist the pull out of the United Nations peace keepers.²⁵ The American Army's actions in Somalia were not considered a success.²⁶

After negotiations in Djibouti, Somalis formed a government in August 2000, the first since 1991 which was opposed by several warlords.²⁷ The U.N. Security Council continued to consider violations of the arms embargo regarding Somalia.²⁸ However, instability and chaos maintained in the country²⁹ until the formation of a government in 2004.³⁰ In 2006 radical Somali Islamists named 'Islamic Courts'³¹ fought against Somali warlords backed by the United States military.³²

²² Michael R. Gordon et al, "Details of U.S. Raid in Somalia: Success So Near, a Loss So Deep", *New York Times*, 25 October 1993. On U.S. military relations with U.N. forces in Somalia see Douglas Jehl, "New U.S. Troops in Somalia Are Still Tied to U.N. Operation", *New York Times*, 15 November 1993. For a critique of the Pentagon failure to send appropriate support to Somalia see Eric Schmitt, "Study Faults Powell Aides on Somalia", *New York Times*, 1 October 1995.

²³ See Donatella Lorch, "Rising Violence in Somalia Throws U.N.'s Role Into Question", *New York Times*, 10 January 1994; Reuters, "Six Killed in Clash Between Two Somali Clans", *New York Times*, 26 June 1994.

²⁴ Donatella Lorch, "American Troops Count Hours to End of Mission in Somalia", *New York Times*, 28 February 1994; Donatella Lorch, "Last of the U.S. Troops Leave Somalia; What Began as a Mission of Mercy Closes with Little Ceremony", *New York Times*, 26 March 1994; Michael Maren, "Leave Somalia Alone", *New York Times*, 6 July 1994; Eric Schmitt, "U.S. Weighs Withdrawal from Somalia", *New York Times*, 22 July 1994.

²⁵ Eric Schmitt, "Pentagon to Help U.N. Quit Somalia", *New York Times*, 17 December 1994; Eric Schmitt, "Now, to the Shores of Somalia with Beanbag Guns and Goo", *New York Times*, 15 February 1995; Donatella Lorch, "U.S.-Led Force Is Off Somalia To Aid Pullout", *New York Times*, 23 February 1995; Donatella Lorch, "Marines Cover U.N.'s Pullout from Somalia", *New York Times*, 28 February 1995; Donatella Lorch, "Last U.S. Marines Quit Somalia as Escorts for the U.N.", *New York Times*, 3 March 1995; Donatella Lorch, "U.S. Pleased with its Role in Somali Exit", *New York Times*, 4 March 1995; Eric Schmitt, "Somalia's First Lesson for Military is Caution", *New York Times*, 5 March 1995; Eric Schmitt, "Somalia's First Lesson for Military Is Caution", *New York Times*, 5 March 1995.

²⁶ See Barbara Crossette, "After Somalia, U.S. Studies Ways to Improve Relief Operations", *New York Times*, 9 April 1995.

²⁷ Ian Fisher, "With Warlords at Home, Somalis Talk Peace", *New York Times*, 6 August 2000; Ian Fisher, "August 13 – 19; Somalis Form a Government", *New York Times*, 20 August 2000; Ian Fisher, "Somalis Get Leader; Now They Need a Nation", *New York Times*, 31 August 2000; AFP, "4 Warlords Won't Accept Somali Leader", *New York Times*, 3 September 2000.

²⁸ See, for example, U.N. Security Council resolutions 1356 of 19 June 2001, 1407 of 3 May 2002, 1425 of 22 July 2002, 1474 of 8 April 2003, 1519 of 16 December 2003, 1558 of 17 August 2004, 1587 of 15 March 2005, 1630 of 14 October 2005.

²⁹ Donald G. McNeil Jr., "A New Scrutiny of Somalia as the Old Anarchy Reigns", *New York Times*, 10 February 2002.

³⁰ Marc Lacey, "Somalis Reach Peace Deal After Dozen Years of Fighting", *New York Times*, 30 January 2004.

³¹ On the group's political agenda and popularity in Somalia see "Profile: Somalia's Islamic Courts", *BBC*, 6 June 2006, <http://news.bbc.co.uk/2/hi/africa/5051588.stm>. See also U.N. Security Council resolution 1725 of 6 December 2006.

³² See Marc Lacey, "Alliance of Somali Warlords Battles Islamists in Capital", *New York Times*, 13 May 2006; Marc Lacey, "Islamic Militants Declare Victory in Mogadishu", *New York Times*, 5 June 2006; Marc Lacey, "Somali Islamists Declare Victory; Warlords on the Run", *New York Times*, 6 June 2006; Marc Lacey, "Somali Islamists Cement Control of South Amid Border Tension", *New York Times*, 18 June 2006; Jeffrey Gettleman, "Islamists Calm Somali Capital with Restraint", *New York Times*, 24 September 2006; AFP, "Islamists and Somali Troops Exchange Fire", *New York Times*, 10 December 2006; Jeffrey Gettleman et al, "Somalia's Islamists and Ethiopia Gird for War", *New York Times*, 14 December 2006; Jeffrey Gettleman, "Islamist Forces in Somalia are on the Retreat", *New York*

Ethiopian forces invaded Somalia ousting the dominance of the “Islamic Courts”.³³ Islamists paramilitary groups had been divided at a later stage leading to the creation of Al-Shabab movement which is considered the most extreme among them.³⁴ The Somali government in the capital Mogadishu exhibited familiar inadequacy and impotence.³⁵

Al-Shabab group instilled fear among the Somali population,³⁶ controlled areas in the country,³⁷ and carried out armed attacks both in and outside Somalia.³⁸ While American forces backed the Somali government’s effort to regain territories captured by Al-Shabab in the country,³⁹ Somali Presidential Guards defected to the Al-Shabab’s ranks.⁴⁰ In 2011 Al-Shabab left the capital Mogadishu,⁴¹ whereas Kenyan forces entered the country to combat the militant group’s cross border activities.⁴² African Union forces, authorized by U.N. Security Council resolution 1744 of 21 February 2007 assisted the Somali government to combat Al-Shabab’s growing influence.⁴³ The

Times, 26 December 2006; Jeffrey Gettleman, “Somalia Forces Retake Capital from Islamists”, *New York Times*, 29 December 2006.

³³ Reuters, “Ethiopian Troops Enter Somali Government Base”, *New York Times*, 21 July 2006; AP, “World Briefing / Africa: Somalia: Islamic Leader Dares Ethiopia To Attack”, *New York Times*, 24 October 2006; Jeffrey Gettleman, “In the Third Day of Fighting in Somalia, Worries of a Sharp Escalation by Ethiopian Forces”, *New York Times*, 23 December 2006; Jeffrey Gettleman, “Ethiopian Warplanes Attack Somalia”, *New York Times*, 24 December 2006; Jeffrey Gettleman, “Ethiopia Hits Somali Targets, Declaring War”, *New York Times*, 25 December 2006; Jeffrey Gettleman, “Ethiopian Jets Strafe Mogadishu Airports”, *New York Times*, 26 December 2006; Jeffrey Gettleman, “Islamist Forces in Somalia Are on the Retreat”, *New York Times*, 26 December 2006; Jeffrey Gettleman, “Ethiopia Advances on Somali Islamists’ Last City”, *New York Times*, 30 December 2006.

³⁴ See Mohammad Ahmad Abdallah, “Al-Shabab Movement in Somalia...Where to”, *Al-Jazeera*, 14 October 2012 (Arabic).

³⁵ Jeffrey Gettleman, “Somali President Survives Suicide Bomb; 8 Others Are Killed”, *New York Times*, 19 September 2006; Jeffrey Gettleman, “After 15 Years, Someone’s in Charge in Somalia, if Barely”, *New York Times*, 2 January 2007; Jeffrey Gettleman, “Violence in Somalia Over Disarmament”, *New York Times*, 7 January 2007; Jeffrey Gettleman, “Insurgents Battle Somali Forces in Capitol”, *New York Times*, 10 January 2007; Jeffrey Gettleman et al, “Airstrike Rekindles Somalis’ Anger at the U.S.”, *New York Times*, 10 January 2007 (first American airstrike in Somalia); Jeffrey Gettleman, “Weapons Raids in Somalia After Violent Night”, *New York Times*, 11 January 2007; Jeffrey Gettleman, “Amid Chaos, Young Somalis Struggle to Get By”, *New York Times*, 19 January 2007; Jeffrey Gettleman, “New Somali Government Faces the Age-Old Problem of Clans”, *New York Times*, 22 January 2007. See also “A Talk With Somalia’s President”, *New York Times*, 16 September 2009.

³⁶ See, for example, Hussein Mohammed, “Militants Linked to Al-Qaeda Unleash Deadly Car Bombings in Somalia”, *New York Times*, 25 March 2018; Jina Moore, “In Somalia, Shabab Attacks Leave Ugandan Peacekeepers Dead”, *New York Times*, 1 April 2018; “Somali forces end day-long Mogadishu siege”, *BBC*, 1 March 2019.

³⁷ Jeffrey Gettleman, “Islamists Continue Advance Through Somalia”, *New York Times*, 13 November 2008;

³⁸ See, for example, Josh Kron et al, “Somali Islamist Militants Rally Against Kenya”, *New York Times*, 27 October 2011; Jeffrey Gettleman, “At Least 15 Dead in Kenya Church attacks”, *New York Times*, 1 July 2012; Jeffrey Gettleman, “Last Somali Militant Bastion Falls, Kenya Claims”, *New York Times*, 28 September 2012.

³⁹ Jeffrey Gettleman, “U.S. Aiding Somalia in Its Plan to Retake Its Capital”, *New York Times*, 5 March 2010; Jeffrey Gettleman, “Children Carry Guns for a U.S. Ally, Somalia”, *New York Times*, 13 June 2010.

⁴⁰ Jeffrey Gettleman, “Guards for Somali Leader Join Islamists”, *New York Times*, 22 July 2010.

⁴¹ Jeffrey Gettleman et al, “Shabab Concede Control to Somalia Government”, *New York Times*, 6 August 2011.

⁴² Jeffrey Gettleman, “Kenyan Forces Enter Somalia to Battle Militants”, *New York Times*, 16 October 2011; Jeffrey Gettleman, “African Union Force Makes Strides Inside Somalia”, *New York Times*, 24 November 2011.

⁴³ Mohammed Ibrahim, “Somali and African Union Forces in Mogadishu”, *New York Times*, 22 May 2011. See also Jeffrey Gettleman, “Despite Several Blows to Shabab, Worries Persist About Their Resilience”, *New York Times*, 5 April 2016. The U.N. Security Council resolution authorized only African Union member state to carry out security and stabilizing related activities in Somalia. Only regarding training, the Somali security forces did this resolution permit consultation with parties that are not African Union member states. The authorization for regional involvement in Somalia was initially for six months, which has been repeatedly extended.

subsequent year in 2012 Somalia formed a parliament who's members selected a president for the country.⁴⁴

The 15th international conference to rebuild Somalia held in 2012 in London comprised of 60 official delegations. According the British newspaper The Telegraph reporting about the British Prime Minister David Cameron:

Mr Cameron told attendees an unparalleled opportunity existed to re-establish a democratic, moderate government in Mogadishu for the first time since the country collapsed into outright chaos in 1992. While leading substantial pledges of new aid, Mr Cameron also set down conditions that new constitutional reforms must be set in motion by August. 'This timetable will be stuck to. There will be no further extensions,' said Mr Cameron as he unveiled a final communique that stated a key moment in Somalia's history was in the hands of its leaders. 'We will hold the Somalis to this,' he said.

At the outset of the Lancaster House meeting, Mr Cameron said Britain was acting because its security was threatened by Islamic terrorism, kidnapping and piracy from the Horn of African nation. 'Young minds are being poisoned by radicalism, breeding terrorism that is threatening the security of the whole world. These problems in Somalia don't just affect Somalia. They affect us all. If the rest of us just sit back and look on, we will pay a price for doing so.'

The conference heard a call from Somali leaders for international air strikes against al-Shabaab, the al-Qaeda linked terrorist group, that has sought to drive out the Transitional Federal Government (TFG). Abdiweli Mohamed Ali, the country's prime minister, told Mr Cameron the international backing for a military campaign against al Shabaab were not enough. 'We welcome targeted air strikes against al-Qaeda,' he said. 'Al-Qaeda in Somalia is not a Somali problem, it is a global problem that must be tackled globally.'⁴⁵



⁴⁴ Mohammed Ibrahim, "New Parliament Is Convened in Somalia", *New York Times*, 20 August 2012; Mohammed Ibrahim, "Somalia Selects an Activist as Leader", *New York Times*, 10 September 2012.

⁴⁵ Damien McElory, "If we just sit back, the world will pay: David Cameron's stark warning for Somalia", *The Telegraph*, 23 February 2012.

British Prime Minister David Cameron and other leaders at the 2012 London Somalia Conference

Source: BBC



Map of the BBC⁴⁶

Illegality of American Armed Attacks

The American military's attacks in Somalia are illegal. They lack proper international authorization. United Nations Security Council resolution 1744 adopted unanimously on 20 February 2007 pursuant to chapter VII of the United Nations Charter authorized African Union member states to take all necessary measures to assist the Somali authorities to maintain order in the country and realize reconciliation. Targeting armed groups in Somalia based on a broad interpretation of the post 11 September 2001 American act Authorization Use of Military Force is unreasonable and defies plain logic.⁴⁷

The same applies to unilateral American designation of areas in foreign countries, even friendly ones, as combat zones to trigger the applicability of the laws of war and gain legitimacy to use

⁴⁶ "Who are Somalia's Al-Shabab", *BBC*, 22 December 2017. Somalia has been also struggling with a piracy phenomenon. See, for example, U.N. Security Council resolution 1976 of 11 April 2011; Colin Freeman, "Somali pirates hijack first commercial ship in five years", *The Telegraph*, 14 March 2017; "What is happening to Africa's pirates", *The Economist*, 16 January 2018.

⁴⁷ See article 2(a) of the Authorization for Use of Military Force, 18 September 2001, <https://www.congress.gov/107/plaws/publ40/PLAW-107publ40.pdf>

force.⁴⁸ Such designation is no less than a declaration of war that does not meet the international⁴⁹ and national⁵⁰ requirements for a legitimate act of war and therefore should be considered as aggression.⁵¹

In 2006 the first unflattering reporting was published about an American Central Intelligence Agency (CIA) covert operation in Somalia.⁵² Since 2007 the U.S. military has been engaged in armed attacks in Somalia targeting individuals suspecting of armed activity which resulted also in civilian casualties.⁵³ In January 2019 the Associated Press reported that the American military will no longer announce deaths or damage resulting from its airstrikes.⁵⁴ U.S. Africa Command of the American army has conducted military attacks in Somalia from bases in neighboring Ethiopia and Djibouti.⁵⁵ The CIA trained Somali security officials and interrogated with them individuals suspected of hostile activity.⁵⁶

Article 2(4) of the United Nations Charter prohibits the “the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.” Article 51 of this Charter permits states to use force in case of individual or collective self-defense “until the Security Council has taken measures necessary to maintain international peace and security.”

Somalia has been combatting armed groups in the country in conflicts that barely reached a civil war threshold. It does not have a collective defense treaty with the United States. U.N. Security Council resolution 1744 of 21 February 2007 adopted under Chapter VII of the United Nations

⁴⁸ See Charlie Savage, “Trump Revokes Obama – Era Rule on Disclosing Civilian Casualties From U.S. Airstrikes Outside War Zone”, *New York Times*, 6 March 2019 (““Soon after taking office, Mr. Trump quietly deemed large sections of Yemen and Somalia to be ‘areas of active hostilities’ subject to war-zone rules. In battle, it can be lawful to carry out a strike at a military target, knowing that some nearby civilians may die, so long as the collateral damage is deemed to be necessary and proportionate.”). See also Dan De Luce et al, “Pentagon plans to scale back in Somalia, latest sign Trump wants to cut troops abroad”, *NBC News*, 4 January 2019, <https://www.nbcnews.com/news/amp/ncna954836> (Although the Pentagon denied the intention to reduce American troops in Somalia, the news item alleged that “Under the plan, responsibility for bombing militants in Somalia would be shifted to the CIA, officials said”).

⁴⁹ Articles 2(4) and 51 of the United Nations Charter.

⁵⁰ See *infra* articles by Bruce Ackerman and Oona Hathaway of Yale Law School.

⁵¹ See article 8 *bis* of the International Criminal Court’s statute.

⁵² Mark Mazzetti, “Efforts by C.I.A. Fail in Somalia, Officials Charge”, *New York Times*, 8 June 2006;

⁵³ See, for example, Jeffrey Gettleman et al, “Airstrike Rekindles Somalis’ Anger at the U.S.”, *New York Times*, 10 January 2007; Jeffrey Gettleman, “U.S. airstrikes kill top agent in Somalia”, *New York Times*, 1 May 2008; Xan Rice et al, “US launches air strikes at al-Qaida suspects”, *The Guardian*, 10 January 2010.

⁵⁴ Associated Press, “US no longer announcing deaths, damage in Somalia airstrikes”, 24 January 2019. See also Executive Order 13862 of 6 March 2019, Revocation of Reporting Requirement, <https://www.federalregister.gov/documents/2019/03/11/2019-04595/revocation-of-reporting-requirement>

⁵⁵ See “Report: US building secret drone bases in Africa”, *msnbc*, 20 September 2011; Craig Whitlock, “Remote US base at core of secret operations”, *Washington Post*, 25 October 2012; “US shuts down drone base in Ethiopia”, *BBC*, 4 January 2016; Ryan Browne et al, “Pentagon receives more freedom to carry out counterterror raids”, *CNN*, 14 March 2017.

⁵⁶ Jeffrey Gettleman et al, “U.S. Relies on Contractors in Somalia Conflict”, *New York Times*, 10 August 2011.

Charter relating to international peace and stability⁵⁷ authorized African Union member states to carry out security related activities to promote stability in Somalia. According to paragraph 5 of this resolution which originally has been for six months and repeatedly extended:

Decides to authorize member States of the African Union to establish for a period of six months a mission in Somalia, which shall be authorized to take all necessary measures as appropriate to carry out the following mandate:

- (a) To support dialogue and reconciliation in Somalia by assisting with the free movement, safe passage and protection of all those involved with the process referred to in paragraphs 1, 2 and 3;
- (b) To provide, as appropriate, protection to the Transitional Federal Institutions to help them carry out their functions of government, and security for key infrastructure;
- (c) To assist, within its capabilities, and in coordination with other parties, with implementation of the National Security and Stabilization Plan, in particular the effective re-establishment and training of all-inclusive Somali security forces;
- (d) To contribute, as may be requested and within capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance;
- (e) To protect its personnel, facilities, installations, equipment and mission, and to ensure the security and freedom of movement of its personnel;⁵⁸

Soon after taking office in 2016 American President Donald Trump designated large areas of Somalia as ‘areas of active hostilities’ subjecting them to the laws of war, and practically declaring war on these areas in Somalia, despite the purported alliance with the Somali government.⁵⁹

⁵⁷ Article 41 of the U.N. Charter proclaims the right of U.N. member states to use force in order to maintain or restore peace and stability “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”

⁵⁸ According to sub-section 4(c) only regarding training of Somali security forces can African Union member states obtain assistance from other parties.

⁵⁹ See Charlie Savage, “Trump Revokes Obama – Era Rule on Disclosing Civilian Casualties From U.S. Airstrikes Outside War Zone”, *New York Times*, 6 March 2019. Even if the U.S. military had been engaged in traditional hostilities in Somalia, its targeting practices do not comply with the applicable international humanitarian law. The various armed groups that the U.S. Army and the CIA have been targeting do not meet the threshold of armed forces as prescribed by article 43 of the First Additional Protocol to the Geneva Conventions (1949), 1977. They are civilians that at times directly participate in hostilities. Article 50(3) of this Protocol provides that “The presence within civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.”. Further, it is not possible to target members of various armed groups based on their organizational affiliation, even if genuinely proven. Pursuant to article 51(3) of the Protocol when not taking direct part in hostilities, these individuals are civilians and enjoy the immunity from attack granted to this status “Civilians shall enjoy the protection afforded by this Section, *unless and for such time as they take a direct part in hostilities.*” (emphasis added – MD).

Article 50 of Additional Protocol I to the Geneva Conventions (1949), 1977

Although the Somali government has welcomed some of the American airstrikes,⁶⁰ it is not clear whether it has invited the United States to conduct these attacks, and if so, when and on what basis.⁶¹ In any event the right of a foreign state to militarily intervene based on the invitation of the battle inflicted country is vague and not established under international law.⁶² The United States has provided funding and training for the Somali military and other security forces.⁶³ The existence of a specific and explicit U.N. Security Council resolution (1744) authorizing particular African regional states to perform security actions aimed at stabilizing the Somali condition further undermines the American rational and legality to operate in Somalia.

Much of the American justification for acting militarily in Somalia precludes the invitation rational, as American officials have repeatedly considered the objective of the attacks to protect American interests forming part of the country's global war on terror. American authorities have linked Somali armed group Al-Shabab to Al-Qaeda to gain a right to use force based on the broad American law Authorization to Use Military Force enacted shortly after the 11 September 2001 attacks against the World Trade Center in New York and the Pentagon. This law is considered the domestic American basis for the country's global war against terror.⁶⁴

The illegal American military involvement in Somalia had intensified during the Obama administration to include airstrikes and commando ground troops. Its purpose was no longer only targeting alleged Al-Qaeda affiliated groups,⁶⁵ but to secure American, Somali, and African forces:

The Somalia campaign, as it is described by American and African officials and international monitors of the Somali conflict, is partly designed to avoid repeating that debacle, which led to the deaths of 18 American soldiers. But it carries enormous risks — including more American casualties, botched airstrikes that kill civilians and the potential

⁶⁰ See, for example, Deb Reichmann, "US airstrikes in Somalia on the rise", *Associated Press*, 18 December 2018.

⁶¹ For possible logistical and strategic reasons driving the American military's activities in Somalia see Amanda Sperber, "U.S. Developing Supply Route Along Dangerous Stretch From Djibouti to Somalia", *Foreign Policy*, 26 January 2019; John Bolton Unveils Trump Administration's New Africa Strategy", *C-Span*, 13 December 2018 (the main objective of American involvement in the African continent is to counter China's and Russia's), <https://www.c-span.org/video/?c4767431/john-bolton-unveils-trump-administrations-africa-strategy>

⁶² See Christine Gray, *International Law and the Use of Force* (3rd ed.)(Oxford University Press, 2008), pp.80-88.

⁶³ See Jeffrey Gettleman et al, "U.S. Relies on Contractors in Somalia Conflict", 10 August 2011; Katharine Houreld, "Exclusive: U.S. suspends aid to Somalia's battered military over graft", *Reuters*, 14 December 2017; Eric Schmitt et al, "Quick Evacuation in Somalia Firefight Shows Disparity in U.S. Resources in Africa", *New York Times*, 10 January 2018.

⁶⁴ If the Pentagon and other American Federal Agencies believe the assertion that a group of loose individuals with criminal backgrounds have plotted and committed this atrocity, it is no one's choice but theirs. See also Charlie Savage, "Is the U.S. Now at War With the Shabab? Not Exactly", *New York Times*, 14 March 2016; Curtis A. Bradley & Jack L. Goldsmith, "Obama's AUMF Legacy", 110(4) *AJIL*, pp.625-645 (2016). Compare with Bruce Ackerman & Oona Hathaway, "A legal time bomb in Iraq", *The Guardian*, 12 December 2008; Bruce Ackerman & Oona Hathaway, "Limited War and the Constitution: Iraq and the Crisis of Presidential Legality", 109(4) *Michigan Law Review*, pp.447 – 518 (2011); Bruce Ackerman & Oona Hathaway, "Obama's Illegal War", *Foreign Policy*, 1 June 2011 (American role in NATO's campaign against Libya); Bruce Ackerman, "Trump Can't Make War Whenever He Likes", *New York Times*, 16 April 2018 (armed attack in Syria).

⁶⁵ See Letter from the President – War Powers Resolution, 13 June 2016; Charlie Savage et al, "Obama Expands War With Al Qaeda to Include Shabab in Somalia", *New York Times*, 27 November 2016.

for the United States to be drawn even more deeply into a troubled country that so far has stymied all efforts to fix it.

The Somalia campaign is a blueprint for warfare that President Obama has embraced and will pass along to his successor. It is a model the United States now employs across the Middle East and North Africa — from Syria to Libya — despite the president's stated aversion to American "boots on the ground" in the world's war zones. This year alone, the United States has carried out airstrikes in seven countries and conducted Special Operations missions in many more.

American officials said the White House had quietly broadened the president's authority for the use of force in Somalia by allowing airstrikes to protect American and African troops as they combat fighters from the Shabab, a Somali-based militant group that has proclaimed allegiance to Al Qaeda.

In its public announcements, the Pentagon sometimes characterizes the operations as "self-defense strikes," though some analysts have said this rationale has become a self-fulfilling prophecy. It is only because American forces are now being deployed on the front lines in Somalia that they face imminent threats from the Shabab.⁶⁶

Under the Trump administration the American military's attacks in Somalia have increased even further.⁶⁷ Head of U.S. Military Africa Command General Thomas D. Waldhauser confirmed the need to ease combat rules in Somalia, and acknowledged that use of force should be executed when there is 'near certainty' that the identity of the targeted individual is accurate. During a 24 March 2017 Pentagon press briefing he said:

[I]t's very important and very helpful for us to have little more flexibility, a little bit more timeliness, in terms of decision-making process and it'll allow us to give -- in fact, counter ISIS or in our case in Somalia, al- Shabab.

It allows to prosecute targets in a more rapid fashion. So that's obviously is a -- is something that we advocate for and is -- it -- it will if we were given that opportunity, given out those permissions and authorities will be very helpful to us.⁶⁸

⁶⁶ Mark Mazzetti et al, "In Somalia, U.S. Escalates a Shadow War", *New York Times*, 16 October 2016. See also Lara Seligman, "Shadowy U.S. Drone War in Africa Set to Expand", *Foreign Policy*, 4 September 2018.

⁶⁷ Charlie Savage, "Pentagon Foresees at Least Two More Years of Combat in Somalia", *New York Times*, 10 December 2017; Christina Goldbaum, "A Trumpian War on Terror That Just Keeps Getting Bigger", *The Atlantic*, 11 September 2018; Deb Reichmann, "US airstrikes in Somalia on the rise", *Associated Press*, 18 December 2018; Tomi Oladipo, "US attacks on Somalia's al-Shabab increase under Trump", *BBC*, 7 January 2019. See also press release of United States Africa Command, <https://www.africom.mil/media-room/press-releases>

⁶⁸ General Thomas D. Waldhauser, Department of Defense Press Briefing on U.S. Africa Command, 24 March 2017, <https://dod.defense.gov/News/Transcripts/Transcript-View/Article/1130131/departments-of-defense-press-briefing-on-us-africa-command-by-general-thomas-d-w/>. See also Wesly Morgan, "Behind the secret of U.S. war in Africa", *Politico*, 2 July 2018 ("American special operations teams are playing a more direct role in military actions against suspected terrorists in Africa than the Pentagon has publicly acknowledged, planning and participating in combat raids by African troops in multiple countries including Somalia, Kenya, Tunisia and Niger, under a set of classified programs... 'Our special operators not only advise and assist and accompany their partner force, but also direct it under

Indeed, the Pentagon sought the relaxing of combat rules applied in Somalia,⁶⁹ and President Trump granted their request.⁷⁰ The aim of these actions to reduce constraints on American use of force in areas without active hostilities prescribed in the 22 May 2013 Presidential Policy Guidance document.⁷¹ This document presumes the right to use force by American forces in areas without active hostilities and places requirements regarding the manner in which this right should be exercised. From an international humanitarian law perspective, the title of the document annuls its content given that without active hostilities there is no right to use force. The Trump rules substantially diminished limitation imposed on American forces when using force in Somalia. According to the New York Times:

Under the new guidelines, Africa Command may treat Somalia under less-restrictive battlefield rules: Without interagency vetting, commanders may strike people thought to be Shabab fighters based only on that status, without any reason to think that the individual target poses a particular and specific threat to Americans.

In addition, some civilian bystander deaths would be permitted if deemed necessary and proportionate. Mr. Trump's decision to exempt much of Somalia from the 2013 rules follows a similar decision he made for parts of Yemen shortly after taking office.

The new directive for Somalia is another example of how the American military is accelerating the ways it carries out combat missions under the Trump administration, reducing constraints on the use of force imposed by the Obama administration.⁷²

One of the most important American officials who have advised and advocated an aggressive use of force against suspected adversary armed groups, whether in locations of ongoing hostilities or not, is former Director of the Central Intelligence Agency (2013 – 2017) and presidential counter terrorism adviser (2009 – 2013) John Brennan.⁷³

these programs,' acknowledged retired Brig. Gen. Donald Bolduc, who until June 2017 commanded most U.S. special operations forces in Africa, in a POLITICO interview.”). The U.S. Africa Command Public Affairs unit portrayed the U.S. military's role in Somalia as supportive of international efforts and providing training as well as equipment to the Somali armed forces, as opposed to leading the combative effort in the country. See: U.S. Africa Command Public Affairs, Why the U.S. Military is in Somalia”, 29 November 2017, <https://www.africom.mil/media-room/article/30125/why-the-u-s-military-is-in-somalia>

⁶⁹ Charlie Savage et al, “Trump Administration Is Said to Be Working to Loosen Counterterrorism Rules”, *New York Times*, 1 March 2017.

⁷⁰ Charlie Savage et al, “Trump Eases Combat Rules in Somalia Intended to Protect Civilians”, *New York Times*, 30 March 2017.

⁷¹ Procedures for Approving Direct Action Against Terrorist Targets Located Outside the United States and Areas of Active Hostilities, 22 May 2013, https://www.justice.gov/oip/foia-library/procedures_for_approving_direct_action_against_terrorist_targets/download

⁷² Charlie Savage et al, “Trump Eases Combat Rules in Somalia Intended to Protect Civilians”, *New York Times*, 30 March 2017.

⁷³ A graduate of Fordham university and with a Masters in government that included Middle Eastern specialization from the University of Texas at Austin Brennan joined the CIA in 1980 rising in its ranks to head a station in the Saudi capital and becoming the organization's executive director shortly before the 11 September 2001 attacks in March of that year. A career CIA official Brennan is currently a distinguished scholar at the Intelligence Studies Project,

During a presentation at the Wilson Center dated 30 April 2012 Brennan related to the American use of force in places with ongoing hostilities like Afghanistan, including by remotely piloted aircraft referred to as drones.⁷⁴ He also seemed to implicitly distinguish between the Afghanistan battlefield and the war against Al-Qaeda which according Brennan has emerged in various parts of the Middle East:

In the course of the war in Afghanistan *and the fight against al-Qa'ida*, I think the American people expect us to use advanced technologies, for example, to prevent attacks on U.S. forces and to remove terrorists from the battlefield. We do, and it has saved the lives of our men and women in uniform. (emphasis added - MD)

Earlier in the lecture Brennan described the regional spread of Al-Qaeda, including to Somalia, and one of the American targeting operations beyond an area of ongoing hostilities without discussing the legality of this action:

Nevertheless, the dangerous threat from al-Qa'ida has not disappeared. As the al-Qa'ida core falters, it continues to look to its affiliates and adherents to carry on its murderous cause. Yet these affiliates continue to lose key commanders and capabilities as well. In Somalia, it is indeed worrying to witness al-Qa'ida's merger with al-Shabaab, whose ranks include foreign fighters, some with U.S. passports. At the same time, al-Shabaab continues to focus primarily on launching regional attacks, and ultimately, this is a merger between two organizations in decline.

In Yemen, al-Qa'ida in the Arabian Peninsula, or AQAP, continues to feel the effects of the death last year of Anwar al-Awlaki, its leader of external operations who was responsible for planning and directing terrorist attacks against the United States. Nevertheless, AQAP continues to be al-Qa'ida's most active affiliate, and it continues to seek the opportunity to strike our homeland. We therefore continue to support the government of Yemen in its efforts against AQAP, which is being forced to fight for the territory it needs to plan attacks beyond Yemen.

Despite relating to Somalia in his presentation, Brennan failed to note American armed and other, CIA covert activity there, in violation of international law.

He quoted two American international law scholars who served in the U.S. government and advised on the issue of use of force to gain legal legitimacy for his advocated targeting policy. The first quoted scholar was the Dean of Yale Law School Harold Koh, the Legal Adviser for the

University of Texas – Austin and a senior adviser with Kissinger Associates. Monitoring his presentations and Congress appearance one can easily conclude that the selfless and sacrificing CIA adviser projects the intellectual depth of an American intelligence officer, the convincing appeal of Fareed Zakaria, and the dull politics of Theresa May / Jacob Rees – Mogg (the latter's modernity is expressed in his demographic anxiety).

⁷⁴ See John Brennan, Lecture at the Wilson Center, 30 April 2012, <https://obamawhitehouse.archives.gov/blog/2012/04/30/watch-live-john-brennan-president-s-counterterrorism-strategy>. For the presentation's text see: <https://www.lawfareblog.com/text-john-brennans-speech-drone-strikes-today-wilson-center>

Department of State at the time of the presentation. Koh expressed the opinion referenced by Brennan that:

What I can say is that it is the considered view of this Administration—and it has certainly been my experience during my time as Legal Adviser—that U.S. targeting practices, including lethal operations conducted with the use of unmanned aerial vehicles, comply with all applicable law, including the laws of war.⁷⁵

However, Koh was discussing the scenario of ongoing hostilities in Afghanistan and those that had taken place in Iraq, not locations where no such armed conflicts exist as the case in Somalia. This country also has its own framework for international authorization to use force reflected in U.N. Security Council resolution 1744.

The second quoted scholar is Harvard Law School's Jack Goldsmith, former Assistant Attorney General in the administration of George W. Bush who did not dispute the legality of use of force but focused on the factual basis regarding the identification of the targeted person and the need for the government to inform the public about the . Brennan claimed that President Obama agrees with Goldsmith's position.⁷⁶ According to John Brennan:

Jack Goldsmith—a former assistant attorney general in the administration of George W. Bush and now a professor at Harvard Law School—captured the situation well. He wrote:

The government needs a way to credibly convey to the public that its decisions about who is being targeted -- especially when the target is a U.S. citizen -- are sound.... First, the government can and should tell us more about the process by which it reaches its high-value targeting decisions...The more the government tells us about the eyeballs on the issue and the robustness of the process, the more credible will be its claims about the accuracy of its factual determinations and the soundness of its legal ones. All of this information can be disclosed in some form without endangering critical intelligence.

Well, President Obama agrees. And that is why I am here today.⁷⁷

⁷⁵ Harold Hongju Koh, "The Obama Administration and International Law", Annual Meeting of ASIL, 25 March 2012, <https://2009-2017.state.gov/s/l/releases/remarks/139119.htm>

⁷⁶ Does Brennan agree as well? It should be noted that Goldsmith served in the position which Brennan mentioned from April 2003 until his resignation which entered into force on 30 July 2004. Prior to that, Goldsmith advised the Department of Defense, another fact omitted from Brennan's presentation. Brennan quotation of Goldsmith attributes to the latter a justification to kill civilians based on their affiliation, rather than when they are taking direct part in hostilities, as international humanitarian law requires. At the time of Goldsmith's service in the American government, the issue of targeting individuals away from a battlefield, which is the case in Somalia, had not arisen explicitly and publicly. In later academic writing, Goldsmith seems to agree with the broad American use of force against individuals suspected of hostile activity based on the post 11 September 2001 law Authorization for Use of Military Force Against Terrorists. In any event, this authorization within American legal framework is granted to 'American Armed Forces', that do not include the CIA who has targeted individuals in and beyond battlefields.

⁷⁷ During his confirmation hearing for the position Director of the CIA, Brennan questioned his longstanding conviction that CIA's severe interrogation techniques are useful and legitimate relating to the undisclosed Senate Intelligence Committee report in this regard. Following the publication of the report Brennan defended the CIA's

The American Central Intelligence Agency has conducted its own targeting policy in areas outside of battle zones such as Pakistan often resulting in significant deaths to civilians.⁷⁸ In a 2012 lecture at Harvard Law School the CIA's General Counsel Stephen W. Preston considered such a hypothetical activity noting that CIA's conduct, which pursuant to the National Security Act of 1947 is designated to be solely outside the United States, should comply with national American law as well as international law.⁷⁹ The CIA's use of force in non – battle field zones originates from presidential authorization pursuant to article II of the American constitution given the roles of the president as Chief Executive and Commander-in-Chief responsible for protecting the country from “imminent threat of violent attack.”⁸⁰ In addition, Executive Order 12333 of 4 December 1981 regarding United States intelligence activities prohibits the CIA to directly or indirectly assassinate individuals:

2.11 *Prohibition on Assassination.* No person employed by or acting on behalf of the United States Government shall engage in, or conspire to engage in, assassination.

2.12 *Indirect Participation.* No agency of the Intelligence Community shall participate in or request any person to undertake activities forbidden by this Order.⁸¹

Preston claimed that from an international law point of view the CIA's authority to use such force is based on article 51 of the United Nations Charter which grants states the right to use force in self-defense. In addition, the existence of an armed conflict generates the authority to use force. CIA's General Counsel Stephen W. Preston:

Next we look at Authority to Act with reference to International Law Principles.

Here we need look no further than the inherent right of national self-defense, which is recognized by customary international law and, specifically, in Article 51 of the United Nations Charter. Where, for example, the United States has already been attacked, and its

conduct claiming that there may have been few exceptions. See CIA Director Nomination Hearing, *C-Span*, 7 February 2013, <https://www.c-span.org/video/?310803-1/cia-director-nomination-hearing>; Eric Bradner, “John Brennan defends CIA after torture report in rare press conference”, *CNN*, 12 December 2014; Michael Crowley, “John Brennan's zigzag on torture”, *Politico*, 9 December 2014.

⁷⁸ See, for example, Charlie Savage, “U.N. Official to Ask U.S. Drone Strikes”, *New York Times*, 27 May 2010; Scot Shane, “C.I.A. Is Disputed on Civilian Toll in Drone Strikes”, *New York Times*, 11 August 2011; “The C.I.A. and Drone Strikes”, *New York Times*, 13 August 2011; Mark Mazzetti et al, “C.I.A. Steps Up Drone Attacks on Taliban in Pakistan”, *New York Times*, 27 September 2010; Karen DeYoung, “CIA idles drone flights from base in Pakistan”, *Washington Post*, 2 July 2011; Greg Miller, “CIA Seeks to Expand Drone Fleet, Officials Say”, *Washington Post*, 18 October 2011.

⁷⁹ The Central Intelligence Agency Act of 1949 defines additional espionage powers granted to this organization. Both laws do not subordinate the CIA to any governmental department such as the Presidency, the Pentagon, or the Department of State. According to the CIA's website “Originally housed in a sprawling set of buildings in the center of Washington, D.C., the CIA's physical presence gave it the advantage of seeming an integral part of, rather than a separate element of, the government.”, <https://www.cia.gov/about-cia/history-of-the-cia>

⁸⁰ Remarks of CIA General Counsel Stephen W. Preston at Harvard Law School, 10 April 2012, <https://www.cia.gov/news-information/speeches-testimony/2012-speeches-testimony/cia-general-counsel-harvard.html>. Given that the CCIA is not part of the armed forces, the presidential authorization is in his capacity as ‘Chief Executive’.

⁸¹ Executive Order 12333 - United States intelligence activities, 4 December 1981, articles 2.11 & 2.12, <https://www.archives.gov/federal-register/codification/executive-order/12333.html>

adversary has repeatedly sought to attack since then and is actively plotting to attack again, then the United States is entitled as a matter of national self-defense to use force to disrupt and prevent future attacks.

The existence of an armed conflict might also provide an additional justification for the use of force under international law.⁸²

Article 51 of the United Nations Charter is not intended for the broad use described by the CIA's General Counsel. The right for self-defense is triggered after a foreign attack and is limited in duration to resolving the armed conflict through the procedures of the United Nations Security Council. The provision also requires to inform this U.N. body of exercising the right under article 51:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

The CIA's use of force outside a battlefield has no justification either under national American law or international law. Use of force with the intention to kill individuals forms assassination in violation of article 2.11 and 2.12 of Executive Order 12333 - United States intelligence activities, 4 December 1981. Because CIA personnel do not constitute part of the U.S. armed forces, their use of force in a battlefield would be considered as civilians taking direct part in hostilities. As such, they are legitimate targets for lethal armed attack.⁸³ In addition, if captured by the adversary they would not enjoy the status of prisoners of war and the accompanied immunities to it.⁸⁴

The Obama administration sought to limit the authority of the CIA to conduct targeted killings, apparently granted by prior presidential orders. Under president Donald Trump, the CIA seems to have been enjoying significant backing for its drone strikes:

When President Donald Trump visited CIA headquarters in the first weeks of his presidency, he toured the secure floor where agency officers direct drone strikes against suspected terrorists, current and former U.S. officials told NBC News.

Impressed by what he saw, Trump conveyed to incoming CIA Director Mike Pompeo and the assembled agency officers that he wanted them to take a more aggressive posture, according to two current U.S. officials and one former official briefed on the visit.

⁸² *Ibid.*

⁸³ Article 51 of First Additional Protocol to the Geneva Conventions (1949), 1977.

⁸⁴ See articles 43 and 44 of First Additional Protocol to the 1949 Geneva Conventions, 1977, <https://ihl-databases.icrc.org/ihl/INTRO/470>

Soon afterward, multiple sources said, the CIA began carrying out drone strikes that might not have been authorized under the Obama administration, including in Syria, where the military has taken the lead on targeting militant leaders.

The White House granted CIA officers more autonomy to decide on whether and when the U.S. can pull the trigger in various places around the world, including in Yemen, where the military carries out the bulk of the airstrikes, according to four U.S. officials who have been briefed on the agency's counterterrorism operations. The upshot is less micromanaging of targeting decisions by the White House, these officials say.

Now, the Trump administration is contemplating additional policy changes that will further expand the CIA's authority to conduct drone strikes in a number of countries, both in and out of war zones. Such a move would reverse years of effort by President Barack Obama to reduce the CIA's role in targeted killing and shift that responsibility to the military. It could also mean more civilian casualties in CIA drone strikes.⁸⁵

According to the New York Times, current Secretary of State and recently Director of the CIA Mike Pompeo had requested to broaden CIA's authority to use force in 'counter – terrorism' measures. The CIA has also established its own base in Niger for this purpose, although the U.S military has another one in this country that is used for the same purpose:

The drone policy was changed last year, after Mike Pompeo, the C.I.A. director at the time, made a forceful case to President Trump that the agency's broader counterterrorism efforts were being needlessly constrained. The Dirkou base was already up and running by the time Mr. Pompeo stepped down as head of the C.I.A. in April to become Mr. Trump's secretary of state.⁸⁶

⁸⁵ Ken Dilanian et al, "Trump Administration Wants to Increase CIA Drone Strikes", *nbcnews*, 18 September 2017, <https://www.nbcnews.com/news/military/trump-admin-wants-increase-cia-drone-strikes-n802311>

⁸⁶ Joe Penny et al, "C.I.A. Drone Mission, Curtailed by Obama, Is Expanded in Africa Under Trump", *New York Times*, 9 September 2018. For the military's similar base in the same country see Eric Schmitt, "A Shadowy War's Newest Front: A Drone Base Rising From Saharan Dust", *New York Times*, 22 April 2018.



Mike Pompeo

Current U.S. Secretary of State and former CIA Director⁸⁷

As C.I.A. director, Pompeo had made a case to President Trump that Obama-era restrictions on drone strikes needlessly limit the United States' ability to fight terrorism.⁸⁸

In conclusion, the United States army has no international authorization to use force in Somalia. Resorting to national legal empowerment to engage in combative missions in Somalia based on a post 11 September 2001 paradigm is false and baseless. The CIA's use of force both in battlegrounds and beyond generates serious legal issues. The CIA is a civilian organ of the United States government that structurally does not form part of the American military. In a battleground, CIA operatives constitute civilians taking direct part in hostilities and could be lawfully targeted by the adversary and, if captured, they are not entitled for a prisoner of war status. In a non-battleground zone, the CIA's use of force would be plainly illegal.

Climate's Effects

Somalia has been enduring the worst effects that climate can generate. The unbearable drought in the country has caused vast death rates, mass displacement, diseases, and the destruction of Somalia's economy which is dependent on agriculture and livestock. Between October 2010 and

⁸⁷ Pompeo replaced Rex Tillerson as Secretary of State. Tillerson served in this position for 13 months. In December 2018 he described President Trump as "pretty undisciplined, doesn't like to read, doesn't read briefing reports", and reflected on deliberating with the President "Mr. President, I understand what you want to do, but you can't do it that way. It violates the law, it violates a treaty. you he got really frustrated. I didn't know how to conduct my affairs with him in any other way than in a very straight forward fashion. And I think he grew tired of me being the guy over there that told him you can't do that." Interview with Bob Schieffer, CBS This Morning, 7 December 2018, <https://www.youtube.com/watch?v=r6Rc68FXk-E>

⁸⁸ Eric Schmitt et al, "C.I.A. Wants Authority to Conduct Drone Strikes in Afghanistan for the First Time", *New York Times*, 15 September 2017.

April 2012 Somalia's drought has significantly contributed to the death of about 250,000 Somalis, 133,000 of them children under the age of 5.

The difficult climate conditions have added to the Somali society's suffering caused by their failed government and its allies on the one hand, and armed groups on the other. According to the British newspaper The Telegraph

The droughts have been so long and so relentless that even the old men say they cannot remember a time of such climate – related wretchedness...Insecurity, worsened in recent years by the Islamist militant group al-Shabab taking over substantial pockets of the country, meant that aid agencies often struggled to reach the most vulnerable communities. Yet it is almost certainly the widespread drought of recent years that explains why Somalia emerged this year as the world's deadliest place to be a child, a country where, according to UNICEF and the World Bank, one in seven children will not live to see their fifth birthday.⁸⁹

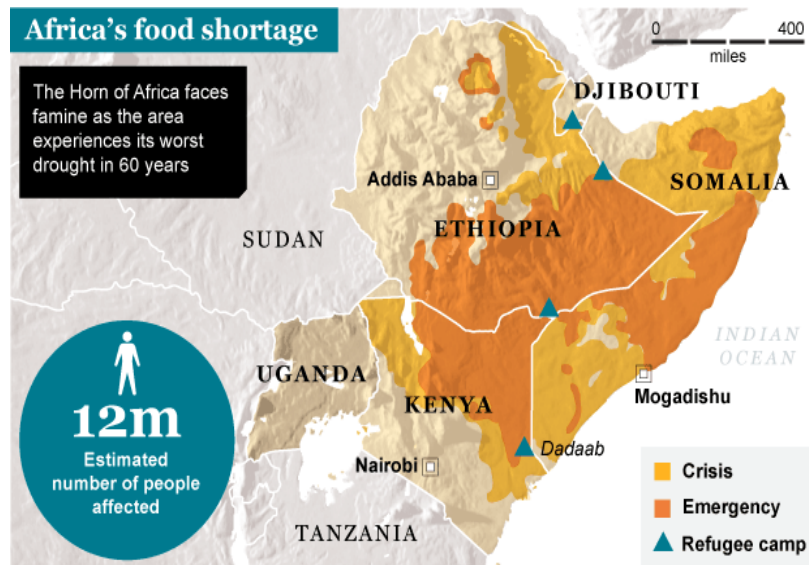


Somalia's Drought, The Telegraph

Affecting Somalia and its neighboring Kenya and Ethiopia, the drought has created a serious refugee crisis:

⁸⁹ Adrian Blomfield, "Hunger, disease and violence: Is Somalia the worst place in the world to be a child?", *The Telegraph*, 2 October 2018. See also Jeffery Gettleman, "As Somali Crisis Swells, Experts See a Void in Aid", *New York Times*, 20 November 2007; U.N. Security Council resolution 2010 of 30 September 2011 ("Expressing grave concern at the dire and worsening humanitarian situation in Somalia and the impact of the drought and famine on the people of Somalia, in particular women and children, calling on all parties in accordance with international humanitarian law to allow for safe and unhindered access to humanitarian agencies at this critical time, and underscoring the importance of upholding the principles of neutrality, impartiality, humanity and independence in the provision of humanitarian assistance, Strongly condemning the targeting, obstruction or prevention of the delivery of humanitarian aid in Somalia by any parties, especially armed groups, and deploring any attacks on humanitarian personnel.")

Following several seasons of failed rains and spiraling global food prices, drought has hit more than 12 million people across Somalia, Ethiopia and Kenya. Thousands of Somali refugees are making perilous journeys of hundreds of miles to seek assistance.⁹⁰



Khadra Saeed's baby son died before he could even be named, just one of thousands dying of famine in Somaliland CREDIT: TOM PILSTON / THE TELEGRAPH⁹¹

⁹⁰ Zoe Flood, "UN refugee agency warns of crisis 'of unimaginable proportions' in Somalia drought", *The Telegraph*, 6 July 2011.

⁹¹ Tom Rowley, "In Somalia's hidden famine, the children die without names", *The Telegraph*, 12 March 2017. For more images of the drought's consequences in Somalia see "Horn of Africa famine: Somalia, Ethiopia, and Kenya suffer worst drought in 60 years", *The Telegraph*, undated, <https://www.telegraph.co.uk/news/picturegalleries/worldnews/8630255/Horn-of-Africa-famine-Somalia-Ethiopia-and-Kenya-suffer-worst-drought-in-60-years.html?image=1>

In 2009 the Economist referenced the International Committee for the Red Cross which “says famine in Somalia is going to be worse than ever. Handouts are urgently needed for roughly 3.6 m Somalis, nearly half the resident population (several million having already immigrated during years of strife).”⁹² Two years later the magazine reported about accelerating famine in the country reminding its readers of the mid-1980s Ethiopian one.⁹³ By 2017 The Economist briefly chronicled the worst drought in living memory that has captured Somalia and the Horn of Africa region implicitly rationalizing it.⁹⁴

A study conducted by the London School of Hygiene and Tropical Medicine and the John Hopkins Bloomberg School of Public Health commissioned by the United Nations Food and Agricultural Organization’s Food Security and Nutrition Analysis Unit for Somalia (FAO/FSNAU) and the USAID funded Famine Early Warning System Network (FEWS NET) found that the drought had caused substantial number of casualties in central and southern Somalia in the period between October 2010 and April 2012:

Between late 2010 and early 2012, southern and central Somalia experienced severe food insecurity and malnutrition precipitated by a prolonged period of drought resulting in the poorest harvests since the 1992-1993 famine. The effects of the drought were compounded by various factors including decreased humanitarian assistance and increasing food prices. Furthermore, this emergency occurred against a backdrop of heightened insecurity and persistent high levels of acute malnutrition, and affected populations whose resilience mechanisms had already been weakened over the past few years by a protracted crisis featuring a combination of armed conflict, natural disasters and adverse economic conditions.

...

Based on the most plausible set of population denominator data, we estimated that 258,000 (244,000 to 273,000) excess deaths attributable to the emergency occurred in southern and central Somalia between October 2010 and April 2012 inclusive, of which some 52% (133,000) among children under 5 years old (Table 1). These estimates are based on the most robust approach for calculating baseline mortality (i.e. method 3) among those explored. The two alternative baseline estimation methods, in which we have less confidence, resulted in higher baseline mortality estimates, so that altogether estimated values of the excess death toll ranged from as low as 143,000 to as high as 273,000.⁹⁵

⁹² “A catastrophe is looming”, *The Economist*, 24 September 2009.

⁹³ “Chronicle of famine foretold”, *The Economist*, 30 July 2011. See also “Once more unto the abyss”, *The Economist*, 7 July 2011.

⁹⁴ “The hard life of a Somali shepherd”, *The Economist*, 10 June 2017. According to the informed magazine ‘War, not drought, is the reason people are starving’ in Africa: See “Famine menaces 20m people in Africa and Yemen”, *The Economist*, 30 March 2017

⁹⁵ Francesco Checchi & W. Courtland Robinson, Mortality among populations of southern and central Somalia affected by severe food insecurity and famine during 2010 – 2012 (Rome/Washington, 2 May 2013), pp. 5, 8, http://fews.net/sites/default/files/documents/reports/Somalia_Mortality_Estimates_Final_Report_1May2013_upload.pdf. See also “Somalia famine ‘killed 260,000 thousand people’”, *BBC*, 2 May 2013; ⁹⁵ UN News, “Somalia famine killed nearly 260,000 people, half of them children – reports UN”, 2 May 2013,

Several years later another famine threatened Somalia and few other countries encompassing 20 million people considered to be the worst since the Second World War characterized by the lack of water:

Another famine is about to tighten its grip on Somalia. And it's not the only crisis that aid agencies are scrambling to address. For the first time since anyone can remember, there is a very real possibility of four famines — in Somalia, South Sudan, Nigeria and Yemen — breaking out at once, endangering more than 20 million lives.

International aid officials say they are facing one of the biggest humanitarian disasters since World War II. And they are determined not to repeat the mistakes of the past.

One powerful lesson from the last famine in Somalia, just six years ago, was that famines were not simply about food. They are about something even more elemental: water.

Once again, a lack of clean water and proper hygiene is setting off an outbreak of killer diseases in displaced persons camps. So the race is on to dig more latrines, get swimming-pool quantities of clean water into the camps, and pass out more soap, more water-treatment tablets and more plastic buckets — decidedly low-tech supplies that could save many lives.⁹⁶

The World Health Organization voiced its concern about the effects of the ongoing drought in Somalia:

“[T]hat has plunged the country further towards famine, disease, and health insecurity. Drought in Somalia led to the destruction of crops and livestock, leaving more than 3.3 million people hungry every day. If the current situation continues, famine could soon be a reality, creating a devastating cycle of hunger and disease as the health of people deteriorates and they become more susceptible to infection. Drought has also led to lack of clean water and the largest outbreak of cholera Somalia has seen in the last 5 years, with more than 36 000 cases and almost 690 deaths so far in 2017 alone. With the beginning of the expected rainy season and floods this month, these numbers are expected to increase to

<https://news.un.org/en/story/2013/05/438682-somalia-famine-killed-nearly-260000-people-half-them-children-reports-un>; Oxfam, Famine in Somalia: causes and solutions, July 2011, <https://www.oxfam.org/es/node/3573>

⁹⁶ Jeffery Gettleman, “Drought and Water Heighten Threat of Not Just 1 Famine, but 4”, *New York Times*, 27 March 2017. See also Hussein Mohamed, “U.N. Chief, Visiting Somalia, Pleads for Aid to Avert Famine”, *New York Times*, 7 March 2017; Nadifa Mohamed, “A fierce famine Stalks Africa”, *New York Times*, 12 June 2017; Somini Sengupta, “Hotter, Drier, Hungrier: How Global Warming Punishes the World’s Poorest”, *New York Times*, 12 March 2018. In April - June 2018 heavy rains caused flooding in Somalia displacing more than 200,000 people: See UN News, “From drought to floods in Somalia; displacement and hunger worsen, says UN”, 8 June 2018, <https://news.un.org/en/story/2018/06/1011741>; Adrian Blomfield, “Cholera epidemic fears in Somalia and Kenya as severe flooding forces families to flee their homes”, *The Telegraph*, 30 April 2018, <https://www.telegraph.co.uk/news/0/cholera-epidemic-fears-somalia-kenya-severe-flooding-forces/>

50 000 cases by the end of June. Cases of measles are also on the rise, with nearly 6 500 cases reported this year, 71% of them children under the age of 5 years.”⁹⁷

The U.N. Food and Agricultural Organization indicated the massive loss of livestock in Somalia which constitutes a primary factor of its economy:

In Somalia massive livestock deaths due to drought - 60 per cent of herds in some areas - have severely damaged pastoralists' livelihoods. The livestock losses threaten to exacerbate the country's food security situation, which remains critical in the central and northern pastoral areas, FAO warned today.

...

‘Somalia is traditionally an agro-pastoral economy. Massive livestock losses have severely affected Somalia's economy and people. It is crucial that we continue to support pastoralist households build resilience against climate-related shocks by providing timely veterinary and feeding assistance for their animals,’ said FAO Representative in Somalia Daniele Donati.

In the country's northern and central pastoral regions, the negative impact of prolonged drought in 2016 and 2017 on livestock in particular, has increased the number of people under severe food insecurity by an estimated 3 percent to 1.8 million - almost 30 percent of the population of these areas.

Somalia's overall food security situation improved to some extent in early 2018 mainly due to largescale, sustained humanitarian assistance. The number of Somalis suffering severe food insecurity decreased by an estimated 15 percent from late 2017, but remains 170 percent above pre-crisis levels.

The massive herd losses have led to a reduced market supply, which has in turn resulted in surging prices of livestock and livestock products, such as milk, and plunging animal exports. This is expected to severely affect the economy of Somalia, where the livestock sector accounts for about 40 percent of Gross Domestic Product (GDP) and where 65 percent of the population is engaged in livestock rearing activities.⁹⁸

Like many parts of the planet, Somalia has been the object of calamities throughout its modern history.⁹⁹ In 2004 a tsunami devastated Somalia's north east island Hafun affecting more than 4500

⁹⁷ “World Health Organization calls for immediate action to save lives”, 11 May 2017, <https://www.who.int/en/news-room/detail/11-05-2017-who-calls-for-immediate-action-to-save-lives-in-somalia>

⁹⁸ FAO, “In Somalia massive livestock losses have severely impacted livelihoods and food security”, 21 March 2018, <http://www.fao.org/news/story/en/item/1109677/icode/>. The Somali government estimated that since 2011 \$4.5b had been spent on “emergency responses to save lives”: Somalia Drought Impact & Needs, Vol.I, p.10 (2019), <https://www.undp.org/content/undp/en/home/librarypage/climate-and-disaster-resilience-/somalia-drought-impact-and-needs-assessment.html>. See also USAID, Economics of Resilience to Drought - Somalia Analysis, 2018, https://www.usaid.gov/sites/default/files/documents/1867/Somalia_Economics_of_Resilience_Final_Jan_4_2018_B_RANDED.pdf

⁹⁹ For other significant locations see, for example, UPI, “Drought is Said to Threaten Lives of 7 Million in Ethiopia”, *New York Times*, 21 August 1984; Judith Miller, “Famine Engulfs Ethiopia Again; Death Toll Rises”, *New York Times*, 18 September 1984 (tens of thousands are dying of starvation and related diseases and six million are in dire need of food similar to the 1974 famine); Henry Kamm, “Drought Spreads Death Across Africa”, *New York Times*, 4

people and destroying 95% of its buildings.¹⁰⁰ In 1991 – 1992 famine struck the country.¹⁰¹ Four years after its independence Somalia appealed for aid to counter severe and prolonged drought.¹⁰²

The 1973 – 1974 rainless weather produced cruel natural conditions which caused the death of more than 19,000 Somalis, displaced 270,000 people, and diminished the country's most important economic activity: raising and trade in livestock and agriculture. It generated a cost of international relief amounting to \$43,099,041.¹⁰³ Despite difficulties in gathering data about Somalia, the World Bank's International Development Association was able to make the following findings:

Performance in mobilizing and investing resources sharply improved during 1969-72 but it has been adversely affected by the drought of 1973 and 1974. The drought affected the entire central and northeastern parts of the country involving a large part of the population, mostly nomads. The Government moved quickly to respond to the situation and began to set up relief camps in November 1974. Relief camp population peaked at about 270,000 in late May and early June 1975. While the Government's foodgrain reserves were almost totally exhausted by the end of 1974, food aid was received in sufficient volume to cope with the immediate problem of hunger. However, despite prompt action by the Government and the response of foreign aid donors, the loss of human lives reached 19,000 by the end of summer 1975. Given the size of the disaster, this was a relatively low figure and is an indicator of the growing effectiveness of the Government. However, there was extensive loss of livestock estimated at 25 to 30 percent of the national herd. As a result of the drought, exports of livestock and bananas, the two largest earners of foreign exchange, were reduced and large imports of maize, sorghum, rice and sugar were required.¹⁰⁴

November 1984; Philip M. Boffey, "Ethiopia Moving 1.5 Million People From Famine", *New York Times*, 14 December 1984; "Iran Earthquake Kills Thousands", *BBC*, 26 December 2003 (about 15,000 killed); "Quake Crisis Overwhelms Pakistan", *BBC*, 10 October 2005 (more than 19,000 killed).

¹⁰⁰ "Tsunami devastates Somali island", *BBC*, 29 December 2004.

¹⁰¹ See UN News, "When a food security crisis becomes famine", 21 July 2011, <https://news.un.org/en/story/2011/07/382342-when-food-security-crisis-becomes-famine>

¹⁰² "Somalia Appeals for Aid for Victims of Drought", *New York Times*, 27 December 1964.

¹⁰³ Agency of International Development, Case Report: Somalia Drought 1974 – 1975, Washington, DC, https://pdf.usaid.gov/pdf_docs/Pnadq811.pdf; "Drought in Somalia is Said to Kill 1,500", *New York Times*, 30 January 1975; "Relief Workers Say 40,000 May Be Dead in Africa Drought", *New York Times*, 7 June 1975; Kevin M. Cahill, "The Country is Overrun with Refugees", 13 July 1975.

¹⁰⁴ International Development Association, Proposed Credit to the Somali Democratic Republic for a Drought Rehabilitation – Juba / Sheblli Area Emergency Settlement Scheme, 31 March 1976, <http://documents.worldbank.org/curated/en/774551468113663958/pdf/multi0page.pdf>. See also "Drought in Somalia is Said to Kill 1,500", *New York Times*, 30 January 1975.



HRH Prince Charles, BBC Weather Forecast, 2012¹⁰⁵



HRH Prince Charles with David Attenborough, 2016¹⁰⁶

¹⁰⁵ “Prince Charles presents the weather at BBC Scotland”, *BBC*, 10 May 2012, <https://www.bbc.com/news/av/uk-scotland-18018232/prince-charles-presents-the-weather-at-bbc-scotland>. HRH Prince of Wales symbolizes the sadistic, cowardice, and despicable character of the British people which is the reason why only few in this planet respect their popular culture, politics, and history. One of those admirers is American billionaire, philanthropist, celebrated democratizer, and pseudo-intellectual George Soros who has been selected by the Financial Times as person of the year for 2018. See a summary of his background “Giving it away”, *The Economist*, 23 October 1997. He also invests in the British football club Manchester United: “Manchester United: George Soros invests in football club”, *BBC*, 21 August 2012.

¹⁰⁶ Stephanie Linning, “A true wonder of the natural world: Fellow wildlife presenters pay tribute as Sir David Attenborough celebrates his 90th birthday”, *Mail Online*, 8 May 2016, <https://www.dailymail.co.uk/news/article-3579721/Sir-David-Attenborough-celebrates-90th-birthday.html>. See also Esra Gurkan, “Sir David Attenborough gets to grips with an armadillo before catching up with Prince Charles at a glittering charity gala in Edinburgh”, *Mail Online*, 24 January 2017, <https://www.dailymail.co.uk/femail/article-4153588/Sir-David-Attenborough-Prince-Charles-attend-gala.html>

Conclusion

Given that the United States military lacks international authorization to use force in Somalia, each of its military armed attacks in the country is in violation of international law. The global fight against terrorism paradigm invoked by this military is misleading and false rational for armed activity in Somalia. The CIA's actual use of force and its quest to increase it to Africa as well has no sound basis in law.

The devastating effects of Somalia's climate on its society and economy are undisputable. A tragedy of mass proportions that has not captured the deserved attention of responsible governments. Somalis may turn to the supernatural and divine to seek help, but they will have to once again rely on no one other than themselves to overcome another calamity.