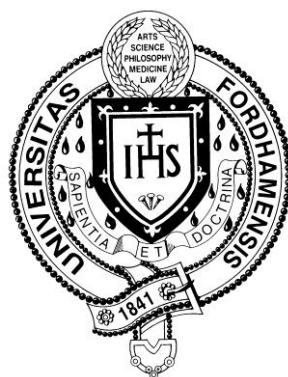


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THE USE OF REGULAR MILITARIES FOR NATURAL DISASTERS
AFTER A MAJOR EVENT WHERE THE MILITARY WAS SEEN AS A FAILURE –
THE SOMALIA EFFECT IN THE AGE OF BLACK LIVES MATTERS AND COVID-19

Donald D.A. Schaefer

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Donald D.A. Schaefer¹

ABSTRACT

This is written as a continuation of Dr. Schaefer's recent article entitled, "The Use of the Regular Militaries for Natural Disaster Assistance: Climate Change and the Increasing Need for Changes to the Laws in the United States, China, Japan, the Philippines, and Other Countries."² Perhaps few other areas have affected so many people than the Covid-19 pandemic. Coupled with this has been the struggle over the use of force by the military and police in the age of "black lives matters" and the movements that have been transpired as a result. With the increased global warming likely to continue to give rise for an ever-growing number of catastrophic hurricanes, typhoons, and other natural disasters, budgets for these events should not be cut or force limited due to a fear of using such force by the regular military to save lives under what is termed here the "Somalia effect" whereby a recent event might limit such usage in times of crises, and as a result lives will be lost.

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² Donald D.A. Schaefer, *The Use of the Regular Militaries for Natural Disaster Assistance: Climate Change and the Increasing Need for Changes to the Laws in the United States, China, Japan, the Philippines, and Other Countries*, 20.1 SUSTAINABLE DEV. L. & POL'Y 4 (2019).

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INTRODUCTION

Today we live in a world affected by the demonstrations resulting from black civilians’ deaths at the hands of police officers – this has changed the view of the use of force in peace times, but, should a major catastrophic event and/or natural disaster occur, deploying the military may become necessary for disaster relief. If a major natural disaster were to cause massive evacuations or sizeable destruction, many countries may not be sufficiently prepared due to the effects that such an event might have on the spread of Covid-19. To provide precedent, in 1992 President George H.W. Bush chose to send troops to Somalia on a relief mission. President Bill Clinton expanded this mission, culminating in the tragic failure of the mission depicted in the Hollywood movie “Black Hawk Down”. About six months later, after the public failure of the use of regular and special operation military in Somalia, Clinton refused to use the U.S. military in Rwanda to stop the fighting between Hutu and Tutsi, which ultimately led to the deaths of around 800,000 lives. This paper argues that, despite the recent riots in the face of deaths at the hands of police, the rise of the Black Lives Matter movement, the recent events involving the use of federal forces in Portland (Oregon), and rising tensions surrounding Covid-19, the United States and other governments around the world should still be prepared to use their regular militaries in times of natural disasters, as the failure to do so might cause a tragic loss of life, much like what Clinton faced after his failure, in what is termed here as the Somalia Effect.

I. THE SOMALIA EFFECT

The continued tragic deaths of black Americans at the hands of the police, which spawned the social justice initiative Black Lives

Matter movement, impacts society daily.³ This movement has shown a resilience as more people support the scaled-back use of force by police.⁴ Many in the United States and around the world have questioned the use of force by the police and the specter of deployment of the regular military. Perhaps in the same way that the tragic deaths of the special operation forces were seen as a limitation on using the U.S. military in future crises after U.S. troops left Somalia in 1993,⁵ the same may be seen in the future should a catastrophic natural disaster occur. President Clinton failed to use U.S. troops just about six months later in Rwanda when such usage could have stopped hundreds of thousands of lives from being needlessly killed;⁶ it was only later that Clinton voiced his regrets for his failure to act in the Rwandan genocide:⁷ "I do feel a lifetime responsibility," he told ABC in 2008, while on a trip to the country. "I feel like a lot of people ... had something to do with it." In 2013, President Clinton told CNBC that his lack of action in Rwanda likely resulted in at least 300,000 people dying unnecessarily.⁸ Clinton's failure to use military force after the tragic events in Somalia to stop – or at least limit – the Rwandan genocide led to later regrets. The same type of regret may occur in the future should a nation's leader and those under him/her fail to act in their usage of regular military forces in the face of a catastrophic national disaster. Yet, the world is changing: global warming increases, thus the potential for natural disasters becomes ever greater. The Somalia Effect must be examined in the face of the

³ See Kim Parker, Juliana Menasce Horowitz and Monica Anderson, *Amid Protests, Majorities Across Racial and Ethnic Groups Express Support for the Black Lives Matter Movement*, PEW RESEARCH CENTER (June 12, 2020), <https://www.pewsocialtrends.org/2020/06/12/amid-protests-majorities-across-racial-and-ethnic-groups-express-support-for-the-black-lives-matter-movement/>.

⁴ *Id.*

⁵ See John R. Butler, *Somalia and the Imperial Savage: Continuities in the Rhetoric of War*, 66 WESTERN J. OF COMM. 1, 1-24 (2002); Matthew A. Baum, *How Public Opinion Constrains the Use of Force: The Case of Operation Restore Hope*, 34.2 PRESIDENTIAL STUDIES Q. 187, 187-226 (June 2004); Walter Clarke & Jeffrey Herbst, *Somalia and the Future of Humanitarian Intervention*, 75.2 FOREIGN AFFAIRS 70, 70-85 (Mar.-Apr. 1996).

⁶ See Holly J. Burkhalter, *The Question of Genocide: the Clinton Administration and Rwanda*, 11.4 WORLD POL'Y J. 44, 44-54 (1994-1995).

⁷ Luke Glanville, *Is "genocide" still a powerful word?*, 11.4 J. OF GENOCIDE RES. 467, 467-86 (2009).

⁸ Dana Hughes, *Bill Clinton Regrets Rwanda Now (Not So Much In 1994)*, ABC NEWS NETWORK (Feb. 28, 2014), <https://abcnews.go.com/blogs/politics/2014/02/bill-clinton-regrets-rwanda-now-not-so-much-in-1994>.

continued threats faced by the growing likelihood of more severe hurricanes, typhoons, cyclones, and earthquakes.

II. GLOBAL WARMING AND NATURAL DISASTERS

Today's environment has caused a greater need for preparation for natural disasters in the era of global warming.⁹ The impact of natural disasters will only grow worse as the temperature of the earth increases.¹⁰ As the climate warms, the potential for natural disasters increases, requiring a greater reliance on regular militaries around the world for aid in times of natural disasters.¹¹ Based on current models, the year 2020 may turn out to be one of the warmest on record: "Global temperatures in 2020 are on pace for one of the planet's top two warmest years in 141 years of temperature records, according to separate new analyses."¹² This warming trend and the impact that it will continue to have on the environment will force many leaders to address this new reality. "Climate change is one of the greatest global challenges of the 21st century."¹³ For the leadership under Donald J. Trump, Xi Jinping, Vladimir Putin, and Rodrigo Duterte – to name a few – the reality of a global crisis is very real as the earth continues to warm.

The question remains as to how prepared each country is when it comes to the next catastrophic natural disaster. It has been argued that such preparations should include the effective usage of regular militaries for emergencies stemming from natural disasters.¹⁴ As for the United States, the Trump administration brought in a "seismic

⁹ *Climate Change: How Do We Know?*, NASA (last update Feb. 17, 2021), <https://climate.nasa.gov/evidence/> (last accessed July 15, 2020); *Scientific Consensus: Earth's Climate is Warming*, (last update Feb. 17, 2021), <https://climate.nasa.gov/scientific-consensus/> (last accessed July 15, 2020).

¹⁰ S. Niggol Seo, *Fatalities of neglect: adapt to more intense hurricanes under global warming?*, 35.12 INT'L. J. CLIMATOLOGY 3505, 3505–14 (Dec. 5, 2014).

¹¹ Schaefer, *supra* note 2, at 4-14, 33-38.

¹² Jonathan Erdman, *2020 May Be Earth's Warmest Year on Record, Even Without an El Niño*, THE WEATHER CHANNEL (July 13, 2020), <https://weather.com/news/climate/news/2020-07-13-june-2020-global-temperatures-noaa-nasa-ecmwf> (last accessed July 15, 2020).

¹³ Majid Asadnabizadeh, *Climate Change in the Foreign Policy of the Trump Administration*, 49.2 ENVTL. POL'Y & L. 195, 195 (AUG. 16, 2019).

¹⁴ Schaefer, *supra* note 2.

change in the nation's environmental policy."¹⁵ The question remains as to how this administration will handle the next environmental crisis – such as a category 5 hurricane – in the wake of questions concerning how the Federal Emergency Management Agency (“FEMA”) will handle the next crisis given its past¹⁶ in a Covid-19 era.¹⁷

For now, as Arroyo has stated, state and local governments must be more involved in preparations for the effects of global climate change: “The reality of climate change will not go away, and so, policies to address it will be put in place across levels of government and across sectors. It is only a matter of time, and there is no time to lose.”¹⁸ Given the increased likelihood of a catastrophic natural disaster, leaders around the world need to be prepared to use whatever resources that they have, including the effective use of their militaries, as the earth warms and the crisis caused by Covid-19 increases. The goal is to avoid what has been termed the Somalia Effect.

III. COVID-19 AND THE FINANCIAL CRISIS

Today's environment has seen the catastrophic effect of the Covid-19 pandemic on local, state, and federal budgets at a scale not seen in recent history. The disease is known to mutate and spread at a rate also not seen in recent history.¹⁹ The challenges that face the worldwide attempt to fight this disease continue to escalate, requiring societies to cooperate.

COVID-19 is testing our preparedness for fighting pandemics, a key element of which is national and international cooperation. ... Infectious disease outbreaks must be announced immediately, and policies for tackling them should

¹⁵ See Arnold W. Reitze, Jr., *Dealing with Climate Change Under the National Environmental Policy Act*, 43.1 WM. & MARY ENVTL. L. & POL'Y REV. 173, 188 (Oct. 2018); see also David Randall, *Politicized Science*, 32 ACAD. QUESTIONS 215, 215-222 (2019).

¹⁶ See Amanda L. Hollis, *A Tale of Two Federal Emergency Management Agencies*, 3.3 The Forum 1, 1-14, 16 (Jan. 2005).

¹⁷ See *Coronavirus (COVID-19) Response*, FEMA (last updated Feb. 26, 2021), <https://www.fema.gov/coronavirus> (last accessed July 15, 2020).

¹⁸ Vicki Arroyo, *State and Local Climate Leadership in the Trumpocene*, 4 CARBON CLIMATE L. REV. 303, 313 (2017).

¹⁹ V. S. Ramamurthy & D. K. Srivastava, *Communication and management of public risks (with specific reference to the COVID-19 global pandemic)*, 118.12 Current Science 1878, 1878-84 (June 25, 2020).

be made as quickly as possible. It is critical that we revise our approaches to become more prepared for pandemics by promoting global cooperation and commitment.²⁰

The ultimate reality is that this disease affects people on a global scale unprecedented in recent history.

The impact goes far beyond just the medical impacts: Covid-19 has caused financial crises at a global scale that have caused budgets to be cut and funding to decrease for many government agencies. The World Bank recently stated:

The COVID-19 pandemic has spread with alarming speed, infecting millions and bringing economic activity to a near-standstill as countries imposed tight restrictions on movement to halt the spread of the virus. As the health and human toll grows, the economic damage is already evident and represents the largest economic shock the world has experienced in decades.²¹

As the World Bank and others have pointed out, the global crisis resulting from this pandemic will likely continue.²²

The United States will continue to see financial costs associated with this crisis for years to come,²³ with some estimates for

²⁰ Sara Momtazmanesh et al., *All together to Fight COVID-19*, 102.6 AM. J. TROP. MED. HYGIENE, 1181, 1182 (Apr. 22, 2020), https://www.ajtmh.org/view/journals/tpmd/102/6/article-p1181.xml?tab_body=pdf.

²¹ See *The Global Economic Outlook During the COVID-19 Pandemic: A Changed World* (Jun. 8, 2020), THE WORLD BANK (June 8, 2020), <https://www.worldbank.org/en/news/feature/2020/06/08/the-global-economic-outlook-during-the-covid-19-pandemic-a-changed-world> (accessed July 15, 2020); see also *Global Economic Prospects*, THE WORLD BANK (Jun. 2020), <https://www.worldbank.org/en/publication/global-economic-prospects> (“Download Full Report in dropdown hyperlink”).

²² *Global Financial Stability Report: Markets in the Time of COVID-19* (April 2020), INT’L MONETARY FUND [IMF] (Apr. 2020), <https://www.imf.org/en/Publications/GFSR/Issues/2020/04/14/global-financial-stability-report-april-2020>.

²³ See *An Update to the Economic Outlook: 2020 to 2030*, CONGRESSIONAL BUDGET OFFICE (Jul. 2, 2020), <https://www.cbo.gov/system/files/2020-07/56442-CBO-update-economic-outlook.pdf>.

expenses in the trillions.²⁴ Ultimately, cities, states, and governments around the world are facing a tragic dilemma: where to make the cuts first. “Although the federal jobs report released June 5 [2020] provided some unexpectedly good news about the start of a recovery from steep private sector losses in recent months, cuts continued to mount for state and local governments, including public education.”²⁵ The question then becomes how those cuts will affect the ability to deal with a major natural disaster. Additionally, the federal government of the United States is attempting to borrow its way through the crisis, adding trillions to the national debt (which stood at \$26.45 trillion on July 14, 2020).²⁶

The COVID-19 pandemic has brought shortages of many things, from ventilators in hospitals to hand sanitizer on store shelves. Also in deficit is economic activity, as people are prevented from spending and working by stay-at-home orders. Tax revenue is in deficit too, causing federal budget shortfalls of a scale not seen since World War II. Most states are in such dire financial straits that some politicians have even proposed letting them file for bankruptcy.²⁷

Many states and governments around the world may find that cuts will have to be made and may choose to make them to areas critical in times of natural disasters.

The financial costs to the United States may be such that, much like states are considering in this Covid-19 era, the US may be forced into bankruptcy.²⁸ In this event, aid given to those most in need during

²⁴ *Id.*

²⁵ Barb Rosewicz & Mike Maciag, *How COVID-19 is Driving Big Job Losses in State and Local Government:*

Cuts to payrolls are mostly temporary for now, but decisions ahead will depend on the virus and budget stresses, PEW (Jun. 16, 2020), <https://www.pewtrusts.org/en/research-and-analysis/articles/2020/06/16/how-covid-19-is-driving-big-job-losses-in-state-and-local-government>.

²⁶ *The Debt to the Penny and Who Holds it*, TREASURY DIRECT (last updated Aug. 11, 2020), https://www.treasurydirect.gov/govt/reports/pd/pd_debttothepenny.htm (last accessed July 15, 2020).

²⁷ Chris Miller, *The Effect of COVID-19 on Government Debt, Borrowing, and Spending*, FOREIGN POL’Y RES. INST. (Apr. 29, 2020), <https://www.fpri.org/article/2020/04/the-effect-of-covid-19-on-government-debt-borrowing-and-spending/>.

²⁸ Donald D.A. Schaefer, *The United States’ National Debt and the Necessity to Prepare for its Default*, 41.2 CAMPBELL L. REV. 457 (2019).

a natural disaster may be limited due to the lack of resources. Based on the recent riots and the struggles over the use of force, the Somalia Effect may further limit the use of the military and other resources during a catastrophic national disaster.

CONCLUSION

The era of the Covid-19 crisis has brought many changes to the world. Some of those have included the necessity of addressing a disease that continues to sap the financial well-being of countries around the world. The debt and financial burdens on local, state, and federal governments have only made matters worse when it comes to helping those most in need. Yet, a looming crisis is on the horizon as states and the federal government look to these riots and lack of financial resources caused by Covid-19 and may decide in the next catastrophic natural disaster that they do not have the funds, management, or ability to send the necessary supplies through their military and civilian personnel to address that crisis.

Cities, governments, and other agencies need to be prepared to address the next natural disaster in the Covid-19 era, and not fall victim to what has been described as the Somalia Effect whereby government leadership fails to give assistance using its regular military in times of crisis because of a recent event that made them think twice. Those events have centered on the Black Lives Matter movement and the rethinking of the use of force. It is one thing to limit the use of force in the time of a riot, but it is another to limit that same force to help those in need during a natural disaster. Cities, states, and governments should be prepared to help in the next natural disaster and continue their preparations in this era of Covid-19 and budget cuts, with the goal of saving countless lives in the process.

