



UvA-DARE (Digital Academic Repository)

The Intervention in Somalia -- 1992-95

Gill, T.D.; Tibori-Szabó, K.

DOI

[10.1093/law/9780198784357.001.0001](https://doi.org/10.1093/law/9780198784357.001.0001)

Publication date

2018

Document Version

Final published version

Published in

The Use of Force in International Law

[Link to publication](#)

Citation for published version (APA):

Gill, T. D., & Tibori-Szabó, K. (2018). The Intervention in Somalia -- 1992-95. In T. Ruys, & O. Corten (Eds.), *The Use of Force in International Law: A Case Based Approach* (pp. 482-494). Oxford University Press. <https://doi.org/10.1093/law/9780198784357.001.0001>

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

Oxford Public International Law

Part 2 The Post-Cold War Era (1990-2000), 40 The Intervention in Somalia—1992-95

Terry D Gill, Kinga Tibori-Szabó

From: *The Use of Force in International Law: A Case-Based Approach*

Edited By: Tom Ruys, Olivier Corten, Alexandra Hofer

Content type: Book content

Product: Oxford Scholarly Authorities on International Law [OSAIL]

Published in print: 17 May 2018

ISBN: 9780198784357

Subject(s):

Precedent — International organizations — UN Charter — Use of force, war, peace and neutrality

(p. 482) 40 The Intervention in Somalia—1992-95

I. Facts and Context

As a result of his policy of systematic kidnapping and murder of rival clan leaders and the ensuing anti-governmental violence, Somali President Mohammed Siad Barre was forced to flee his country in January 1991.¹ By that time, all foreign diplomatic missions and international organizations, including the International Committee of the Red Cross (ICRC), had been evacuated from the capital, Mogadishu.² Quickly thereafter, clan violence lapsed into civil war.³ In November 1991, intense fighting erupted in Mogadishu, between factions supporting self-declared President Ali Mahdi Mohamed and those supporting General Mohamed Farah Aidid (the leader of the United Somali Congress (USC), later also known as the Somali National Alliance (SNA)).⁴

The civil war resulted in widespread death and destruction. According to Human Rights Watch, 14,000 people were killed and 27,000 people were wounded between 17 November 1991 and 29 February 1992 in Mogadishu alone.⁵ About one-third of the country's population was displaced.⁶ More than two-thirds of the 6 million Somalis were estimated to be threatened by famine and related disease, with at least 1.5 million immediately at risk and 300,000 estimated to have died between November 1991 and the end of 1992.⁷

In April 1992, the UN Security Council (UNSC) adopted Resolution 751, which established the United Nations Operation in Somalia (UNOSOM I). The Council requested the immediate deployment of fifty UN observers to monitor the ceasefire in Mogadishu.⁸ The Council also asked the then newly appointed Secretary-General, Boutros Boutros-Ghali, (p. 483) in cooperation with the League of Arab States (LAS), the Organization of African Unity (OAU), and the Organization of the Islamic Conference (OIC), to pursue consultations with all Somali parties towards convening a conference on national reconciliation and unity.⁹ It also agreed, in principle, to establish a security force to be deployed as soon as possible to provide security for UN personnel, equipment, and supplies and to escort deliveries of humanitarian supplies.¹⁰

In November 1992, the Secretary-General reported to the Security Council on the deteriorating security situation in Somalia, which increasingly endangered the international relief effort and prevented UNOSOM from implementing its mandate.¹¹ The members of the Security Council invited the Secretary-General to present specific recommendations on how the UN could address the situation.¹² In response, the Secretary-General outlined five alternative options for the Council's consideration: (i) to continue and intensify efforts to deploy UNOSOM in accordance with its existing mandate; (ii) military personnel to cease the protection of relief activities and allow humanitarian agencies to make their own arrangements with the various factions; (iii) UNOSOM troops to undertake a show of force in Mogadishu in an attempt to discourage those abusing the relief efforts; (iv) the Security Council to authorize a countrywide enforcement action by a group of member states (the Secretary-General mentioned in this connection the offer by the United States to organize and lead such an operation); or (v) the Security Council to authorize a countrywide enforcement action under UN command and control.¹³

As a result, on 3 December 1992, the Security Council, acting under Chapter VII of the UN Charter, adopted Resolution 794 (1992), which authorized an operation along the lines of the fourth option suggested by the Secretary-General. Resolution 794 authorized the use of 'all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia'.¹⁴

In response to Resolution 794, on 4 December 1992, the outgoing President of the United States, George HW Bush, ordered the execution of *Operation Restore Hope*, which would be carried out by a Unified Task Force (UNITAF). Part of its task was to secure major air- and seaports, key installations, and food distribution points, to provide open passage and security for humanitarian aid convoys, and to assist the UN and non-governmental organizations (NGOs) in providing humanitarian relief.¹⁵

The first elements of UNITAF, led by US Marines, arrived at Mogadishu on 9 December 1992.¹⁶

Within a day of their arrival in Mogadishu, UNITAF soldiers became targets of armed incidents, ranging from sniping at patrols to deliberate attacks by militia. These incidents (p. 484) continued throughout UNITAF's involvement in Somalia.¹⁷ Nonetheless, since UNITAF's mandate did not include the disarmament of Somali militia (unless the action directly assisted in the restoration of humanitarian relief), the environment was one of 'respectful coexistence' between UNITAF and the militia, 'enforced by dialogue and the presence of significant US firepower'.¹⁸

Operation Restore Hope was envisaged to have four phases. Phase I consisted of securing the airfield and seaport at Mogadishu with US Marine amphibious forces and elements of UNITAF, and gradually further expanding the operation. Phase II involved the deployment of a brigade of US army and UNITAF forces to secure various relief centres. In phase III, operations were to be further expanded and in phase IV responsibility for maintaining a secure environment for the delivery of humanitarian relief was to be transferred to UN peacekeeping forces.¹⁹ Phases I and II were completed before the end of the year.²⁰

During talks between the United States and the UN, it was suggested that the mandate of UNOSOM be enlarged in the sense that the concept of operations, level of armament, and rules of engagement of the new UNOSOM would be different from those of UNITAF.²¹

In early January 1993, the Secretary-General convened and presided an informal preparatory meeting for a conference of national reconciliation, which took place at the UN headquarters in Addis Ababa.²² Although an agenda for a future national reconciliation conference and a ceasefire were agreed upon, the talks later collapsed.²³ Notwithstanding this setback, in the same report, the Secretary-General congratulated UNITAF for rapidly and successfully securing major population centres and ensuring that humanitarian assistance was delivered and distributed without impediment.²⁴

In his 3 March 1993 report, the Secretary-General noted that although the security situation had improved, incidents of violence in major population centres and targeting of UNITAF personnel continued and that preceding weeks had seen 'major incidents of resumed fighting or rioting' from Kismayo and Mogadishu.²⁵

The Secretary-General recommended that UNOSOM II be endowed with enforcement powers under Chapter VII of the UN Charter so as to be able to complete, through disarmament and reconciliation, the task begun by UNITAF. The mandate would also empower UNOSOM II to assist Somalis in rebuilding their country.²⁶

The Secretary-General estimated that it would be necessary to deploy a military component of 20,000 ranks to carry out the assigned tasks and an additional 8,000 personnel to provide the logistic support.²⁷ It was also noted that the United States would make available 'a tactical quick reaction force' in support of the Force Commander of UNOSOM II.²⁸

On 26 March 1993, the Security Council, acting under Chapter VII of the UN Charter, adopted Resolution 814, by which it decided to expand the size and mandate of UNOSOM in (p. 485) accordance with the Secretary-General's recommendations.²⁹ As agreed, the

United States provided a 1,100-soldier ground-based Quick Reaction Force (QRF) for UNOSOM II.³⁰

On 27 March 1993, the leaders of the various Somali political factions signed the Addis Ababa agreement on the cessation of hostilities.³¹

Notwithstanding the agreement, the security situation in Mogadishu remained tense and it soon led to violence against UNOSOM II troops. On 5 June 1993, armed elements presumed to be under General Aidid's command, attacked at various locations in Mogadishu UNOSOM II soldiers. The events were triggered by a scheduled inventory of five militia weapon-storage sites. Because two of these sites were co-located with radio transmission facilities, General Aidid announced that UN troops planned to seize Radio Mogadishu, controlled by his faction. As a result, UNOSOM II troops were attacked at one of the inspection sites, but also in other locations of the city, where ambushes were set up and civilians were used as human shields. In particular, Pakistani units, when transiting 21 October Road, encountered a large, well-organized, three-sided ambush that resulted in extensive casualties. The US quick reaction force was deployed to relieve the ambushed Pakistani troops.³² As a result of the various attacks, twenty-five Pakistani soldiers were killed, ten were listed as missing, and fifty-seven were wounded (fifty-four Pakistani, three US soldiers).³³ The bodies of the victims were mutilated and subjected to other forms of degrading treatment.³⁴

The next day, on 6 June 1993, the Security Council adopted Resolution 837 in which it strongly condemned the attacks and encouraged the rapid and accelerated deployment of all UNOSOM II contingents to meet the full requirements of 28,000 men.³⁵ It also urged member states to contribute, on an emergency basis, military support and transportation, including armoured personnel carriers, tanks, and attack helicopters, to provide UNOSOM II the capability appropriately to confront and deter armed attacks against it.³⁶

On 12 June 1993, UNOSOM II initiated its disarmament operations. In a series of air and ground military actions, UNOSOM II disabled or destroyed militia weapons and equipment in several storage sites and clandestine military facilities. An armed incident on 13 June 1993 resulted in the death of twenty-five UN soldiers and an unknown number of Somali deaths.³⁷ By 31 July 1993, UNOSOM casualties amounted to thirty-nine military and six civilian fatalities as well as 160 wounded.³⁸

(p. 486) On 17 June 1993, the Special Representative of the Secretary-General for Somalia publicly called for the arrest and detention of General Aidid.³⁹ On the same day, Admiral Howe issued a warrant for Aidid's arrest and authorized a \$25,000 reward.⁴⁰

On 22 August 1993, the US Secretary of Defense, Les Aspin, directed the deployment of a joint special operations task force (JSOTF) named Task Force Ranger, with the mission of capturing General Aidid and his key lieutenants and turning them over to UNOSOM II. Task Force Ranger did not fall under the UNOSOM II command but remained under US operational command and control.⁴¹

All major elements of Task Force Ranger were in Somalia by 28 August. During August and September 1993, the task force conducted six missions into Mogadishu, during which aides of Aidid, but not the General himself, were captured.⁴² The situation in Mogadishu gradually worsened during this time and attacks against UN and US troops continued.⁴³

On 22 September 1993, the Security Council, in Resolution 865, reaffirmed the importance it attached to the successful fulfilment, on an urgent and accelerated basis, of UNOSOM II's objectives so that the mission could be completed by March 1995.⁴⁴

On 3 October 1993, Task Force Ranger launched a daylight operation in south Mogadishu, aimed at capturing a number of key aides of General Aidid who were suspected of complicity in the 5 June attack, as well as subsequent attacks on UN personnel and facilities. The operation succeeded in apprehending twenty-four suspects, including two key aides to General Aidid. During the course of the operation, two US Black Hawk helicopters were shot down by Somali militiamen using rocket-propelled grenades (RPGs). While evacuating the twenty-four detainees, the Rangers came under increasingly heavy fire. By the end of the operation the next morning, eighteen US soldiers had lost their lives and seventy-five were wounded. One helicopter pilot was captured.⁴⁵ Two Malaysian soldiers also lost their lives.⁴⁶ The bodies of some of the dead US servicemen were dragged through the streets of the city and subjected to other public acts of outrage, and the images were broadcast around the world.⁴⁷

Following these events, the United States announced the immediate reinforcement of its QRF, but also the intention to withdraw its combat troops from Somalia by 31 March 1994. Similar intentions had been announced earlier by Belgium, France, and Sweden.⁴⁸

On 9 October 1993, General Aidid's faction declared a unilateral ceasefire against UNOSOM II forces. Nonetheless, in Mogadishu and elsewhere, reported banditry, inter-clan fighting, and rearmament of Somali factions stalled disarmament and relief efforts.⁴⁹

The captured pilot was released on 14 October 1993, thanks to the efforts of Robert Oakley, who returned to Mogadishu as Special Envoy to re-initiate dialogue with General Aidid.⁵⁰

(p. 487) On 18 November 1993, the Security Council adopted Resolution 886, in which it decided to renew the mandate of UNOSOM II for an additional period expiring on 31 May 1994.⁵¹

Most of the US troops withdrew from Somalia by 25 March 1994, leaving a few hundred Marines to assist with any emergency evacuation of the over 1,000 US civilian and military advisers remaining as part of UNOSOM II.⁵²

After a final extension of the UNOSOM II mandate by the Security Council,⁵³ in March 1995 all remaining UN and US personnel were finally withdrawn.

II. The Positions of the Main Protagonists and the Reaction of Third States and International Organizations

Despite the growing concerns regarding the humanitarian situation in Somalia, it took the UN and the international community two years after the demise of Somali President Siad Barre to organize a full-fledged stabilization operation.

While the mandate of UNOSOM I was generally uncontroversial, there was tension between the Secretary-General and the US administration regarding the number of military personnel needed to secure relief efforts.⁵⁴ These differences of opinion greatly contributed to the controversy surrounding the mandate of UNITAF and later UNOSOM II.

In his 29 November 1992 letter to the Security Council putting forward the five alternative options for addressing the security situation in Somalia, the Secretary-General indicated that the first three would be inadequate to solve the crisis.⁵⁵ While expressing a slight preference for the fifth option, the Secretary-General averred that an operation undertaken by member states under Security Council control would also be an acceptable outcome.⁵⁶ He also emphasized that whether an action was taken under UN control and command, or by member states with the Council's authorization, it 'should be precisely defined and limited in time, in order to prepare the way for a return to peacekeeping and post-conflict peace-building'.⁵⁷

Although Resolution 794 followed, in general terms, the fourth option suggested by the Secretary-General, considerable debate surrounded the issue of disarmament and its place in the UNITAF mandate. The long-standing position of the Secretary-General was that a secure environment could not be achieved without the disarmament of the various factions.⁵⁸ In contrast, the United States did not view disarmament as part of the mandate. Accordingly, during the Security Council discussion that led to the adoption of Resolution 794, the representative of the United States emphasized that:

[o]ur mission is essentially a peaceful one, and we will endorse the use of force only if and when we decide it is necessary to accomplish our objective ... Once deployed, our military forces will remain in Somalia no longer than is necessary.⁵⁹

(p. 488) Given the expressed reluctance of the United States to embark on any intervention that went beyond the provision of a secure environment for relief efforts, UNITAF, although created under Chapter VII of the UN Charter, was not mandated with the disarmament of Somali factions.

While Ali Mahdi generally favoured international intervention in Somalia, General Aidid opposed the presence of foreign forces.⁶⁰ During the civil war both factions had amassed a sizable amount of weaponry, including the notorious 'technicals' (jeeps and landcruisers mounted with heavy weapons) that they were reluctant to give up.⁶¹ Aidid also maintained animosity towards Boutros Boutros-Ghali, who, prior to becoming UN Secretary-General, served as foreign affairs minister of Egypt, in a government that strongly supported the regime of Siad Barre.⁶² Nonetheless, Aidid acquiesced to the deployment of UNITAF, probably to avoid a confrontation with the United States.⁶³

Other states generally expressed support for the operation. Zimbabwe and other countries pointed out its uniqueness and precedential value.⁶⁴ Some states emphasized the 'humanitarian' nature of the operation,⁶⁵ with France coining it a 'United Nations intervention and humanitarian action'.⁶⁶ While Belgium pledged its support for Resolution 794 and its participation in the operation, it noted that it would have preferred 'a purely United Nations operation', rather than 'an enforcement operation undertaken by a group of Member States and duly authorized by the Council'.⁶⁷ A similar position was expressed by India.⁶⁸

China, while supporting the resolution, expressed its reservation as to the authorization for 'certain countries to take military action, which may adversely affect the collective role of the United Nations'.⁶⁹ China also emphasized that the military operation authorized by the resolution was an exceptional one, and when its purpose to create a secure environment for humanitarian relief was achieved, the operation should cease.⁷⁰ Zimbabwe, Ecuador, Cape Verde, Russia, France, Austria, the United Kingdom, Venezuela, Japan, Morocco, Hungary expressed their support for the resolution and emphasized the objectives of ensuring the delivery of humanitarian assistance and bringing about national reconciliation.⁷¹ Some states expressed appreciation for the Secretary-General's proposals and Cape Verde explicitly noted the need to 'disarm the warmongers'.⁷² Austria averred that 'the enhancement of the preventive role of the United Nations—has not yet been adequately translated into action'.⁷³

As it was with Resolution 794, Resolution 814, approving the mandate of UNOSOM II, was the result of a unanimous Security Council vote.

(p. 489) UNOSOM II had a considerably more ambitious mandate and it was to be deployed in an environment already secured by UNITAF. Based on this assumption, UNOSOM II was planned as a 28,000-strong mission to be deployed throughout the country, a number considerably smaller than the size of UNITAF.⁷⁴ The Secretary-General nevertheless warned that reinforcements might be needed.⁷⁵ The strict mandate of UNITAF and the subsequent deployment of UNOSOM II into a volatile environment have been since criticized by

commentators as strategic errors that led to the deterioration of the situation and the attacks against UN personnel.⁷⁶

III. Questions of Legality

The intervention in Somalia went through a number of distinct phases and its objectives and goals shifted in each of them. However, from a strictly legal perspective, all were based on UN Security Council resolutions issued under Chapter VII, which were adopted without dissenting votes, and as such the different phases of the intervention had a clear basis under international law. Several questions will be dealt with here. First, what kind of authority does the UN have under the Charter to undertake operations such as those that were carried out in Somalia in the relevant period? Second, what types of operations were authorized during the different phases of the intervention? Within that context it will be necessary to briefly discuss what the main characteristics of peacekeeping and peace enforcement are and how they differ. Finally, a brief assessment will be given of how the mandates contributed to the outcome of the missions.

1. Authority under the UN Charter

The Charter provides the UNSC with far-reaching powers to maintain and restore international peace and security. Under Article 39, it can deem any situation a threat to or breach of the peace or act of aggression. Once such a determination has been made the Charter provides the Security Council with the authority to take either non-military or military measures (or a combination thereof) to restore the situation.⁷⁷ These can include the authorization of a military operation to implement such action and provide it with the authority to use force, including proactive coercive measures against one or more states or non-state actors. In doing so, the Council can utilize any command arrangements it deems expedient. Alongside such 'enforcement action', the Council has authority under Chapter VI of the Charter to contribute to the peaceful settlement of disputes and under its general powers and on the basis of extensive and longstanding practice can employ consensual peacekeeping missions to assist in the maintenance of the peace and promote a peaceful resolution of a crisis situation.⁷⁸

(p. 490) In the absence of consent, an intervention on a state's territory will require a Chapter VII authorization, although this need not imply that coercive force will be utilized. This will depend upon the determination of the Security Council, often in consultation with other actors (UN Secretary-General, regional organizations, and key member states contributing to a mission) as to what type of measures are required in a specific situation and whether these would be likely to be feasible and successful. Hence, in view of the lack of a Somali Government, any intervention would require a Chapter VII mandate. The fact that there was no government did not negate this requirement as the Somali state continued to exist and any intervention under these circumstances would require a clear legal basis. The unstable situation and lack of consent from the different factions reinforced this necessity.⁷⁹ However, this did not inevitably lead to confrontation with one or more factions. That would depend upon how such a mandate was formulated and applied. The important point in this respect is that a Chapter VII mandate is not necessarily synonymous with loss of impartiality or direct confrontation with one or more parties to an ongoing armed conflict. The fact that the situation in Somalia ultimately developed into an armed conflict between UN forces and one of the factions in Somalia was the result of other factors and choices that were made at different stages of the successive operations.

2. Peace enforcement and peacekeeping

Peace enforcement is a relatively new development. During the Cold War, UN operations, with the notable exception of the United Nations Operation in the Congo (ONUC) operation (although the UN characterized that operation as a consensual peacekeeping operation at the time, it is widely acknowledged that it had enforcement elements) in the then former Belgian Congo in the early 1960s, had all been based upon the principles of consent of the parties, impartiality, and limited use of force in self-defence.⁸⁰ These guiding principles still characterize consensual peacekeeping operations conducted directly by the UN.⁸¹ However, with the end of the Cold War, the deadlock between the Permanent Members of the Council, which had prevented the use of Chapter VII powers by the Security Council in all but a sporadic number of situations during the first forty odd years of its existence, was replaced by a radically different political situation and a correspondingly much more active stance within the Council. This shift mirrored the change in power relationships that emerged from the first decade after the end of the Cold War. This had resulted in resort to the enforcement powers in the 1990–91 Iraqi–Kuwait war and the situation in Somalia emerged shortly after the relatively successful end of that crisis. Consequently, there was a readiness in the international community to resort to new types of responses to regional crises and employ the machinery of the UN Collective Security System in hitherto untried ways. Peace enforcement was one of these attempts.⁸²

Peace enforcement is a type of operation that falls conceptually between full use of enforcement powers to suppress a breach of the peace on the one hand and traditional consensus based peacekeeping on the other. The use of full enforcement powers as a response (p. 491) to traditional inter-state war was envisaged in the Charter and has been employed in Korea (due to a fortuitous set of circumstances) and more recently in the Iraqi–Kuwait crisis. It is characterized by authorization by the Council to one or more states to engage in proactive offensive operations at the level of full-scale warfare with the object of restoring the peace by military means. It is based on Chapter VII (in particular Articles 39, 42, and 48) and, by their nature, such operations are neither impartial nor consensual and involve the use of a high level of force aimed at imposing the will of the international community.⁸³ By contrast, peacekeeping, while partly military in character, is based on the abovementioned principles of consent by the parties, impartiality, and limited use of force and does not aim to impose a settlement or seek confrontation with any particular party to a conflict, but rather to act in support of political and diplomatic efforts to maintain an existing peace or promote a peaceful settlement of a crisis.

Peace enforcement falls between these two poles. Being based on Chapter VII, it does not *require* consent from a legal perspective, as Chapter VII is a well-established exception to the prohibition of intervention and the use of force if this is authorized. However, as it aims to promote a stable environment and is often undertaken to bring about an end to an ongoing (usually internal) conflict, it is not necessarily or primarily a ‘war-fighting’ measure as in the case of pure enforcement operations and will depend to a significant extent upon at least the acquiescence of the parties to a conflict, if not necessarily their full consent, in order to be able to be successfully conducted.⁸⁴ In cases where a peace enforcement operation is mandated to support a government against one or more factions engaged in an insurgency (as, for example, the ISAF operation in Afghanistan), the consent of the government is directly connected with the mandate and the operation will aim to bring about an end to the insurgency by gaining maximum support from the population and inducing the insurgents to lay down their arms, partly through coercion, but used (or threatened) in concert with other measures aimed at restoring effective governance.⁸⁵

Peace enforcement is, in other words, often as much about deterrence through force as it is about actual war fighting. The examples of the missions in the Balkans in the aftermath of the Dayton Accords and the NATO intervention in the Kosovo crisis (IFOR, SFOR, and KFOR) as well as the intervention in the Timor crisis (INTERFET) are all cases in point. None of these were traditional 'war-fighting' operations; instead coercion or the threat of coercion was used to prevent a faction from destabilizing the situation and to promote a stable environment. As such, while the use of force may well go beyond strict self-defence, it is not an end in itself, nor is the primary goal behind its use to achieve a military solution and forcibly defeat an adversary, as is normally the case with pure enforcement measures.⁸⁶ Effective peace enforcement requires a force composition which is credibly able to react to and deter provocation, a judicious mixture of (threat of) coercion and diplomacy and the mission must be well equipped and trained and possess sufficient mobility, cohesion, and firepower in order to overawe or, if necessary, impose unacceptable costs upon a party attempting to prevent the carrying out of its mission.⁸⁷ Hence, while impartiality and consent may not always be feasible, peace enforcement should strive to achieve them as far as circumstances permit.

(p. 492) 3. The types of mandate and the execution of the mandates in the Somalia operations

The successive operations authorized by the Security Council went through a number of phases as set out above (see section I) and all had a clear basis in the Council's authority to restore international peace. The first operation, UNOSOM I was mandated to monitor a ceasefire agreement between rival warring factions and later was given authority to protect UN personnel and installations and provide security to humanitarian assistance efforts. The force was limited in size and had very limited military capacity and refrained from direct confrontation, limiting itself to monitoring the ceasefire and strict self-defence in accordance with its mandate. The lack of stability and the continuing humanitarian crisis, which included armed interference with humanitarian relief efforts, resulted in the Council deciding to take the next step.⁸⁸

This came with the adoption of UNSC Resolution 794 under Chapter VII and the decision by the US Government to undertake the UNITAF mission in concert with a coalition of states acting under UN Security Council authorization through Resolution 794, but under US command. The UNITAF mission was a peace enforcement operation with a limited mandate to use 'all necessary means' to provide security to humanitarian relief efforts. It set about doing so immediately after its arrival in December 1992 and within a few weeks had succeeded in securing the airport, ports, roads, and distribution points for humanitarian relief personnel to provide food and other assistance to the civilian population.⁸⁹ The mandate did not include any reference to disarmament of the factions, nor was the US Government which provided the bulk of the forces and assets available prepared to undertake forced disarmament, despite the recognition that long-term stability would require disarmament by or of the warring factions and the gradual transition to stable governance (see section II above). Hence, while UNITAF was a peace enforcement operation, it did not attempt to use coercive force against any particular faction and instead concentrated on a more limited mission of securing humanitarian relief, in which it was largely successful. Any further efforts in the direction of disarming the factions and assisting in the establishment of a civil government were left for the UN to undertake.⁹⁰

This was the task that the Secretary-General advised and the Security Council decided to implement with the establishment of UNOSOM II, which was provided for in UNSC Resolution 814, later supplemented by Resolution 837. The mandate included proactive disarmament of the factions, support for reconciliation and in the establishment of governmental institutions such as a police force and armed forces and was established under Chapter VII.⁹¹ It was the first peace enforcement operation undertaken under direct

UN command since the Congo operation in the 1960s. It was supported by a US Quick Reaction Force under US command, but which would liaise with and report to UNOSOM II.⁹² The allocated tasks of the mission, which included proactively ensuring the disarmament of the main factions, meant that there was a significant chance that attempts at coercive disarmament would bring UNOSOM II into direct confrontation with various factions which stood to lose power and influence if they gave up their heavy weapons and were gradually replaced by a functioning government backed by the UN.⁹³ Subsequent events bore this possibility out, with the first major incidents occurring shortly after UNOSOM (p. 493) II took over from UNITAF in May 1993. By mid-June 1993, UNOSOM II was in a state of ongoing armed conflict amounting to urban guerrilla warfare with the faction led by General Aidid after a warrant for his arrest had been issued by the UN Secretary-General's Special Representative following armed clashes resulting in significant casualties among the Pakistani contingent in UNOSOM II and the adoption of UNSC Resolution 837. This led the US Government to deploy a separate unit of special forces under the name 'Task Force Ranger' under direct US command to carry out the arrest of General Aidid. The failed attempts by the US 'Task Force Ranger' to capture him (see above) in August and September 1993 led to a further aggravation of the situation, culminating in the disastrous armed confrontation of 3 October resulting in heavy fighting and extensive US (as well as UN and Somali) casualties, which in turn led to the US decision to withdraw its forces from Somalia and the ultimate withdrawal of UNOSOM II in March 1995.⁹⁴

The reasons behind the failure of UNOSOM II and the supporting US forces to neutralize the threat posed by General Aidid's faction and to carry out the mandate have been extensively analysed elsewhere and need not be repeated at length here.⁹⁵ In retrospect at least, the execution of a much more ambitious mandate than UNITAF had possessed with significantly weaker forces and a crippling lack of cohesion in the command structure alongside the decision by the UN and US leadership to 'go after Aidid' were the direct causes.⁹⁶ At a deeper level, it calls into question the efficacy of pursuing a peace enforcement strategy based on armed coercion by an organization like the UN, which was (and still is) ill-equipped, both materially, organizationally, and in terms of mind-set and ideology, to conduct open warfare against a determined and well-armed opponent.

IV. Conclusion: Precedential Value

Although the successive missions succeeded in alleviating the humanitarian crisis and promoting a degree of reconciliation, the overall impression left behind the intervention in Somalia in the 1990s was one of failure. While this is perhaps not wholly fair, it is understandable if one takes into account that twenty years later, at the time of writing, the international community is still struggling to help establish a stable environment and viable national government in Somalia, this time through the intervention of the African Union, supported by the UN and other actors.⁹⁷ The ultimate failure in Somalia, however, was due to the inability of the various Somali factions to come up with a formula that would have permitted the re-establishment of a functioning Somali state. No outside intervention could have succeeded in establishing a viable Somali government if the local conditions were unfavourable. If peace enforcement is employed by the UN or any other organization or coalition of states, it has to be undertaken in concert with a realistic and feasible political strategy which is conducted in tandem with the local government, or in the absence of a government with the contending factions, and which takes into (p. 494) account the relative capabilities of all relevant actors, including the intervention force itself. Coercion in the context of peace enforcement is part of an overall strategy and not as in the crucial stages of the UNOSOM II mission the primary goal of the operation.

In the short term, the failure of the UN/US intervention in Somalia led to a great reluctance on the part of the United States to become directly involved in UN peace operations and probably contributed to the failure on the part of the international community to adequately respond to the genocide in Rwanda in 1994. 'Crossing the Mogadishu line' became synonymous with a point beyond which no UN peace force should go.⁹⁸ In the Bosnia crisis some of the same mistakes were made in mandating the UN Protection Force (UNPROFOR) to carry out tasks which it was unable to fulfil and a peaceful settlement was only achieved after the failure of the initial mission undertaken by the UN was succeeded by direct NATO intervention and a combination of the exhaustion of the parties as well as other factors led to an end to that conflict.⁹⁹

Since then, UN peacekeeping has undergone a significant degree of reform¹⁰⁰ and the entire political context has changed significantly since the early post-Cold War euphoria about establishing a 'New World order'. However, only time will tell whether the UN and the international community as a whole have learned the lessons of the Somalia intervention. While an exact replay of that situation is unlikely due to the changed international environment and the direct lessons learned from Somalia, it would be stretching credibility to claim that the current situations in Syria, Libya, and elsewhere point to an increased ability on the part of the international community to respond adequately to a breakdown in state authority and internal conflict, nowadays often fuelled by radical ideologies at least as diametrically opposed to the prevailing international order and rule of law as was the case in the Somalia crisis of the 1990s. While overly ambitious and coercive, outside intervention is not likely to be successful in most situations, neither is passive acceptance of violent regional conflict which destabilizes not only the region where it occurs, but the wider international community. Finding the right balance is a challenge which must be approached on a case-by-case basis and it is inevitable that the UN is an indispensable player, alongside other actors in doing so. UN peace operations, sometimes mandated to carry out elements of peace enforcement may play a useful role, provided the type of errors and organizational shortcomings evident in the UNOSOM II operation are avoided.

The successive operations were the first time the UN mandated and participated in a collective operation which had a combination of humanitarian and 'state-building' goals.¹⁰¹ As such it marked a departure from the UN's traditional reluctance to become directly involved in internal conflicts which involve large scale humanitarian crises. In that sense, it can plausibly be seen as the predecessor to the contemporary doctrine of 'Responsibility to Protect'.

Footnotes:

¹ Neil Henry, 'Rebels Force Somali Leader Out of Capital' *Washington Post* (1 January 1991) <<https://www.washingtonpost.com/archive/politics/1991/01/01/rebels-force-somali-leader-out-of-capital/7e7267ef-139c-4108-bf67-73687a26a243/>> accessed 25 October 2016. US Army Center for Military History, *United States Forces, Somalia After Action Report and Historical Overview: The United States Army in Somalia 1992-1994* (CMH Pub 2003) 3 <<http://www.history.army.mil/html/documents/somalia/SomaliaAAR.pdf>> accessed 12 September 2016. The 'Historical Overview' is also accessible as 'The United States Army in Somalia 1992-1994' at <<http://www.history.army.mil/brochures/somalia/somalia.htm>>. Page ranges for the latter differ from the *Somalia After Action Report and Historical Overview* report.

- ² UNGA 'Economic Assistance, Disasters and Emergency Relief' (1991) Yearbook of the United Nations 427. The US Embassy closed on 5 January 1991, and all US personnel were withdrawn after the collapse of the central Somali government. Office of the Historian, 'A Guide to the United States' History of Recognition, Diplomatic, and Consular Relations, by Country, since 1776: Somalia' <<https://history.state.gov/countries/somalia>> accessed 12 September 2016. See also Ioan Lewis and James Mayall, *The New Interventionism 1991-1994: United Nations Experience in Cambodia, Former Yugoslavia and Somalia* (CUP 1996) 107.
- ³ UNGA 'Africa' (1992) Yearbook of the United Nations 198-99; *Somalia After Action Report and Historical Overview* (n 1) 4; Paul D Williams, 'United Nations Operation in Somalia I (UNOSOM I)' in Joachim A Koops et al (ed), *The Oxford Handbook of United Nations Peacekeeping Operations* (OUP 2015) 409-10.
- ⁴ UNGA 'Africa' (1992) Yearbook of the United Nations 198; Lewis and Mayall (n 2) 106.
- ⁵ Human Rights Watch, Africa Watch and Physicians for Human Rights, *Somalia: No Mercy in Mogadishu. The Human Cost of the Conflict & The Struggle for Relief* (Human Rights Watch, 26 March 1992) <<https://www.hrw.org/reports/1992/somalia/>> accessed 12 September 2016.
- ⁶ UNGA 'Economic Assistance, Disasters and Emergency Relief' (1991) Yearbook of the United Nations 427.
- ⁷ UNGA 'Africa' (1992) Yearbook of the United Nations 199.
- ⁸ UNSC Res 751 (24 April 1992) UN Doc S/RES/751 [3]; UNGA 'Africa' (1992) Yearbook of the United Nations 199.
- ⁹ *ibid* [10].
- ¹⁰ *ibid* [4]; the Situation in Somalia Report of the Secretary General (21 April 1992) UN Doc S/23829, [26]-[27].
- ¹¹ Letter dated 24 November 1992 from the Secretary General Addressed to the President of the Council (24 November 1992) UN Doc S/24859.
- ¹² 'Somalia UNOSOM I—Background' <<http://www.un.org/en/peacekeeping/missions/past/unosom1backgr2.html>> accessed 12 September 2016.
- ¹³ UN Doc S/24859 (n 11) 2-6.
- ¹⁴ UNSC Res 794 (3 December 1992) S/RES/794 [10].
- ¹⁵ UNGA 'Africa' (1992) Yearbook of the United Nations 210; Letter dated 17 December 1992 from the Permanent Representative of the United States of America to the United Nations Addressed to the President of the Security Council (17 December 1992) UN Doc S/24976, Annex, 2.
- ¹⁶ UNITAF consisted of troop contributions from: Belgium, Botswana, Canada, Egypt, France, Germany, Greece, India, Italy, Kuwait, Morocco, New Zealand, Nigeria, Pakistan, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates, United Kingdom, United States, and Zimbabwe. US forces made up 28,000 of the total 37,000 deployed including approximately 8,000 in ships offshore. Trevor Findlay, *The Use of Force in UN Peace Operations* (SIPRI 2002) 168; 'Somalia UNOSOM II—Background' <<http://www.un.org/en/peacekeeping/missions/past/unosom2backgr2.html>> accessed 12 September 2016; UN Doc S/24976 (n 15) Annex, 2.

- 17** *Somalia After Action Report and Historical Overview* (n 1) 25–26; Further Report of the Secretary-General Submitted in Pursuance of Paragraphs 18 and 19 of Resolution 794 (3 March 1993) UN Doc S/25354, 2, [6].
- 18** *Somalia After Action Report and Historical Overview* (n 1) 26.
- 19** S/24976 (n 15) Annex, 2.
- 20** UNGA ‘Africa’ (1992) Yearbook of the United Nations 210.
- 21** *ibid* 211.
- 22** The Situation in Somalia: Report of the Secretary-General Submitted in Pursuance of Paragraphs 18 and 19 of Security Council Resolution 794 (19 December 1992) UN Doc S/24992, 5, [15].
- 23** The Situation in Somalia: Progress Report of the Secretary-General (26 January 1993) UN Doc S/25168, 1, [4], [2], [9], [11]–[12]. The Secretary-General noted that fourteen Somali political movements took part in the meeting, together with representatives of LAS, OAU, and OIC.
- 24** *ibid* 4, [21].
- 25** UN Doc S/25354 (n 17) 2, [6].
- 26** *ibid* 19, [91].
- 27** *ibid* 15, [71].
- 28** *ibid* 15, [71]. On 5 March 1993, the Secretary-General appointed Admiral Jonathan T Howe (Ret) of the United States to succeed Ismat Kittani as Special Representative for Somalia. Turkish Lt Gen Çevik Bir was appointed commander of the UNOSOM II force (Somalia UNOSOM I—Background’ (n 12); *Somalia After Action Report and Historical Overview* (n 1) 8).
- 29** UNGA ‘Africa’ (1993) Yearbook of the United Nations 288.
- 30** *Somalia After Action Report and Historical Overview* (n 1) 9 UNOSOM II consisted of troops from: Australia, Bangladesh, Belgium, Botswana, Canada, Egypt, France, Germany, Ghana, Greece, India, Indonesia, Ireland, Italy, Kuwait, Malaysia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Republic of Korea, Romania, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates, United States, Zambia, and Zimbabwe. ‘Somalia, UNOSOM II—Facts and Figures’, <<http://www.un.org/en/peacekeeping/missions/past/unosom2facts.html>>. UNOSOM II had a total strength of 28,000 (20,000 troops and 8,000 civilians). The United States provided 3,000 logistical troops as part of UNOSOM II who had been transferred from UNITAF alongside the 1,100 men Quick Reaction Force. Other large contingents were provided by Pakistan, India, Malaysia, Italy, Belgium, and France. See Findlay (n 16) 187.
- 31** UNGA ‘Africa’ (1993) Yearbook of the United Nations 288; Lewis and Mayall (n 2) 114–15.
- 32** Report of the Secretary-General on the Implementation of Security Council Resolution 837 (1993) (1 July 1993) UN Doc S/26022, [5]–[9]; Report of the Commission of Inquiry Established pursuant to Security Council Resolution 885 (1993) to Investigate Armed Attacks on UNOSOM II Personnel Which Led to Casualties among Them (1 June 1994) UN Doc S/1994/653, [104]–[124].
- 33** UN Doc S/26022 (n 32) [9].
- 34** ‘Somalia UNOSOM II—Background’ (n 16).

- 35 UNSC Res 837 (6 June 1993) S/RES/837, [1], [7].
- 36 *ibid* [8].
- 37 *ibid* [23]; S/1994/653 (n 32) [138]-[139].
- 38 UNGA 'Africa' (1993) Yearbook of the United Nations 294. The military action was supported by the US QRF.
- 39 Report of the Secretary-General on the Implementation of Security Council Resolution 837 (1993) (1 July 1993) UN Doc S/26022, [32].
- 40 *Somalia After Action Report and Historical Overview* (n 1) 9; UNGA 'Africa' (1993) Yearbook of the United Nations 288.
- 41 *Somalia After Action Report and Historical Overview* (n 1) 10.
- 42 *ibid* 10.
- 43 UNGA 'Africa' (1993) Yearbook of the United Nations 297.
- 44 UNSC Res 865 (22 September 1993) UN Doc S/RES/865, [4].
- 45 UNGA 'Africa' (1993) Yearbook of the United Nations 297; *Somalia After Action Report and Historical Overview* (n 1) 11-13.
- 46 *Somalia After Action Report and Historical Overview* (n 1) 13.
- 47 Simon Tisdall, 'Mogadishu Outrage Puts Clinton in Firing Line' *The Guardian* (5 October 1993) <<https://www.theguardian.com/world/1993/oct/05/usa.simontisdall1>> accessed 12 September 2016; Adam B Lowther, *Americans and Asymmetric Conflict: Lebanon, Somalia and Afghanistan* (Praeger Security International 2007) 119.
- 48 UNGA 'Africa' (1993) Yearbook of the United Nations 297.
- 49 *ibid* 299.
- 50 *Somalia After Action Report and Historical Overview* (n 1) 13.
- 51 UNSC Res 886 (18 November 1993) UN Doc S/RES/886, [3].
- 52 *Somalia After Action Report and Historical Overview* (n 1) 14.
- 53 UNSC Res 946 (30 September 1994) extends UNOSOM II mandate to 31 October 1994; UNSC Res 954 (4 November 1994) extends UNOSOM II mandate for a final period until 31 March 1995.
- 54 Lewis and Mayall (n 2) 110.
- 55 Letter dated 29 November 1992 from the Secretary General Addressed to the President of the Council (29 November 1992) UN Doc S/24868, 3-4.
- 56 *ibid* 6.
- 57 *ibid* 6.
- 58 S/25354 (n 17) 19, [91]; S/24868 (n 55) 3; Ray Murphy, *UN Peacekeeping in Lebanon, Somalia and Kosovo* (CUP 2007) 58; Williams (n 3) 412-13.
- 59 UNSC Verbatim Record (3 December 1992) UN Doc S/PV.3145, 36-37. The same position was reaffirmed one day later by then President George HW Bush: George HW Bush, 'Address on Somalia' (4 December 1992) <<http://millercenter.org/president/bush/speeches/speech-3984>> accessed 12 September 2016.
- 60 Williams (n 3) 411; Lowther (n 47) 108; Kenneth R Rutherford, *Humanitarianism under Fire: the US and UN Intervention in Somalia* (Kumarian Press 2008) 26, 90.

- 61** John L Hirsch and Robert B Oakley, *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping* (US Institute of Peace Press 1995) 55.
- 62** Lowther (n 47) 108.
- 63** *Somalia After Action Report and Historical Overview* (n 1) 38; Hirsch and Oakley (n 61) 54; Lowther (n 47) 111; Lewis and Mayall (n 2) 113. According to some accounts, during the visit of then outgoing President Bush to Somalia in December 1992, General Aidid sent him a large, decorated cake as a gift (Tom Clancy, Toni Zinni, and Tony Koltz, *Battle Ready* (GP Putnam's Sons 2004) 268; Rutherford (n 81) 103).
- 64** UNSC Verbatim Record (3 December 1992) UN Doc S/PV.3145, 7 (Zimbabwe), 17 (China), 35 (United Kingdom), 49 and 51 (India).
- 65** *ibid* 7 (Zimbabwe), 22 (Cape Verde), 24 (Belgium), 29–31 (France), 34 (United Kingdom), 37 (United States).
- 66** *ibid* 31 (France).
- 67** *ibid* (n 59) 24.
- 68** *ibid* 50.
- 69** *ibid* 17.
- 70** *ibid*.
- 71** *ibid* 3–10 (Zimbabwe), 11–15 (Ecuador), 18–22 (Cape Verde), 25–27 (Russia), 28–31 (France), 31–33 (Austria), 33–35 (United Kingdom), 39–42 (Venezuela), 42–43 (Japan), 43–47 (Morocco), 47–49 (Hungary).
- 72** *ibid* 19–20 (Cape Verde).
- 73** *ibid* 32 (Austria).
- 74** Paul D Williams, 'United Nations Operations in Somalia II (UNOSOM II)' in Joachim A Koops et al (eds), *The Oxford Handbook on United Nations Peacekeeping Operations* (OUP 2015) 429.
- 75** UN Doc S/25354 (n 17) 19, [70]–[78].
- 76** Hirsch and Oakley (n 61) 153–55; Williams (n 74) 429; Murphy (n 58) 62; Lewis and Mayall (n 2) 94.
- 77** Yoram Dinstein, *War, Aggression and Self-Defence* (5th edn, CUP 2011) 304–06; Bruno Simma et al, *The Charter of the United Nations: A Commentary*, vol 2 (3rd edn, OUP 2012) 1294–96; Terry D Gill, 'Enforcement and Peace Enforcement Operations' in Terry D Gill and Dieter Fleck (eds), *The Handbook of the International Law of Military Operations* (2nd edn, OUP 2015) 97–101.
- 78** Michael Bothe, 'Peacekeeping' in Simma et al (n 77) 1171ff; Nigel D White, *Keeping the Peace: The United Nations and the Maintenance of International Peace and Security* (Manchester University Press 1993) 199–206; Terry D Gill, 'Peace Operations' in Gill and Fleck (n 77) 153–55.
- 79** This flows from Article 2(4) and 2(7) of the UN Charter and the well-established customary prohibition of intervention under general international law.
- 80** Findlay (n 16) 3–7 and 51.
- 81** United Nations Peacekeeping Operations: Principles and Guidelines (DPKO International Publications March 2008) <<http://www.un.org/en/peacekeeping/documents/>

capstone_eng.pdf> accessed 14 September 2016, ch 3 'Basic Principles of United Nations Peacekeeping', 31ff.

82 Robert D Allen, 'Lessons from Somalia: The Dilemma of Peace Enforcement' (CSC 1997) <<http://www.globalsecurity.org/military/library/report/1997/Allen.htm>> accessed 14 September 2016.

83 Findlay (n 16) 7; Gill (n 77) 101–02.

84 *ibid.*

85 Gill (n 77) 96–97; Michael W Doyle and Nicholas Sambanis, *Making War and Building Peace* (Princeton University Press 2006) 15–17; Thijs Brocades Zaalberg, 'Counterinsurgency and Peace Operations' in Paul B Rich and Isabelle Duyvesteyn (eds), *The Routledge Handbook of Insurgency and Counterinsurgency* (Routledge 2012) 91ff.

86 See references in nn 83–85.

87 Allen (n 82) 'Executive Summary'; Findlay (n 16) 157–60.

88 'Somalia UNOSOM I—Background' (n 12).

89 *Somalia After Action Report and Historical Overview* (n 1) 6.

90 See nn 88 and 89; Findlay (n 16) 180–84.

91 'Somalia UNOSOM II—Background' (n 16).

92 See Findlay (n 16) 187–89; *Somalia After Action Report and Historical Overview* (n 1) 9.

93 *Somalia After Action Report and Historical Overview* (n 1) 9–10; Findlay (n 16) 192–202.

94 For an overview of the chain of events see section I above and the references in nn 91 and 92.

95 See, eg, Rutherford (n 60) 142ff.

96 *ibid.* Rutherford points out that there were widely divergent views regarding the correct strategy to be followed between the main participating countries along with an almost complete disunity of command with various contingents refusing to operate alongside troops from other nations, some contingents seeking and receiving instructions from their home governments rather than the UN Force Commander and a single-minded focus within both the US and UN leadership to neutralize Aidid.

97 The AMISOM Mission conducted by the African Union (AU) with logistical and financial support from the EU and the United States operates in cooperation with the Federal Somali Government and UN Security Council authorization under Chapter VII. The mandate was renewed for an additional period of almost a year on 7 July 2016 under UNSC Res 2297 (7 July 2016) UN Doc S/RES/2297.

98 See for instance: 'Conflict in the Balkans: The Strategy; U.N. Buildup in Bosnia Eyes 'Mogadishu Line' *New York Times* (7 June 1995) <<http://www.nytimes.com/1995/06/07/world/conflict-in-the-balkans-the-strategy-un-buildup-in-bosnia-eyes-mogadishu-line.html?pagewanted=all>> accessed 14 September 2016. See also Rutherford (n 81) 182ff, discussing how the decision by President Clinton to withdraw US forces following the 3 October battle in Mogadishu influenced subsequent operations including Rwanda in 1994.

99 *Somalia After Action Report and Historical Overview* (n 1) 14.

100 'United Nations Peacekeeping: Reform of Peacekeeping' and accompanying documents <<http://www.un.org/en/peacekeeping/operations/reform.shtml>> accessed 14 September 2016.

101 This should not be confused with 'humanitarian intervention' in the sense of a unilateral intervention by a state or group of states acting without authorization of the Security Council and it is noteworthy that no state participating in any of the successive missions invoked humanitarian intervention.