

Somalia – A Very Special Case

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Somalia is a unique case. It was not a post conflict situation when the United Nations got involved; indeed the contrary was the case. The United Nations got involved in 1992 at the height of the ongoing civil war. It operated within the country while the fighting was going on and

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was unable to bring it to an end. When the UN withdrew from Somalia in 1995 the conflict was still not settled and is not settled today. Somalia cannot be categorized with any of the other case studies within this Volume as it has a variety of components. It is comparable to Afghanistan with its clan structure and war lords, with East Timor concerning its colonial background and has in common with the Iraq, that it was also ruled by a dictator for more than 20 years.

The United Nations spent a vast amount of resources throughout the operation. It was one of the most challenging, arduous undertakings of the United Nations so far; the Security Council almost adopted any resolution unanimously and the United Nations got involved after the regional organizations had failed – still, Somalia is not thought of as a success story for the United Nations in the terms of political reconciliation of the conflict. What lessons did the United Nations learn of the experiences made in Somalia and are these lessons still valid today?

I. Historical Background

Somalia currently has no recognized central government authority, no national currency, or anything that one associates with an established nation state. The present political situation in much of Somalia is marked by inter clan fighting and banditry. Discussions regarding the establishment of a new government are at the time ongoing in Kenya.¹ In 1991 northern clans declared an independent Republic of Somaliland. Somaliland has not received international recognition, but has maintained a *de facto* separate status since that time.²

Somalia is located on the east coast of Africa and north of the Equator and, with Ethiopia, Eritrea and Djibouti, it is often referred to as the Horn of Africa. It gained independence in 1960 and was a merger of the former Somaliland Protectorate under British rule, and Italian Somalia.

¹ B. Turner (ed.), *The Statesman's Yearbook*, 2003, 1431; CIA – *The World Factbook* – Somalia available at: <www.cia.gov/cia/publications/factbook>; *Foreign and Commonwealth Office Country Profiles*, Somalia, available at: <www.fco.gov.uk/servlet>; see also in this respect A. Yusuf, "Government Collapse and State Continuity: The Case of Somalia", *Italian Yearbook of International Law* XIII (2003), 11 et seq.

² Foreign and Commonwealth Office, see note 1. Somaliland indicated that it would be prepared to discuss relations with Somalia on a basis of equality the moment a new government is established in Mogadishu.

Not all Somali speakers lived within the borders of the new state. Large communities also resided in Djibouti, Ethiopia and Kenya.³ But in sharp contrast to other African countries, practically everyone within Somalia was of Somali origin, speaking the same language, adhering to the Islam and following similar cultural traditions.⁴ The origins of the Somali People can be traced back almost 2000 years when they displaced an earlier Arabic people. They were organized in loose Islamic states by the 19th century.⁵ Its modern history began in the late 19th century, when various European powers began to establish themselves in the area. The British East India Company's desire for almost unrestricted harbor facilities led around 1840, to treaties with various Somali chiefs who were guaranteed British protection in return and parts of the country became a British Protectorate in 1884.⁶ In 1885 Italy obtained commercial concessions in the area from the sultan of Zanzibar and later on concluded agreements with two other sultans who placed their territories under Italian protection. Later on the Italian government assumed direct administration giving the territory colonial status. Therefore the north was a British protectorate, while the south was under Italian rule.⁷

During World War II Italy declared war on the United Kingdom in 1940. In 1941 almost all parts of Somalia were under British control and remained there until 1949. Technically, the United Kingdom administered Somalia but it remained an Italian colony until the end of World War II. At the Potsdam Conference of 1945 the Allies agreed that the Italian former colonies, which were seized during the war, would not be returned to Italy.⁸ Italy therefore renounced all rights and titles to Ital-

³ I.M. Lewis, *A Modern History of the Somali*, 4th edition, 2002, 1 et seq.

⁴ Department of Public Information, *The United Nations and Somalia, 1992-1996*, 1996, 9.

⁵ H.D. Nelson, *Somalia-A Country Study*, 1981, 5 et seq.; Lewis, see note 3, 18 et seq.

⁶ Lewis, see note 3, 40 et seq.; cf. also <<http://www.arab.net/somalia>>. Also France began to display interest in the Red Sea Coast. Djibouti became a French colony. See in this respect the Anglo-French agreement of 1888 which defined the boundaries between Zeila and Djibouti.

⁷ Nelson, see note 5, 14; Lewis, see note 3, 41 et seq., 50 et seq.; for the Italian rule see in particular, Chapter V, *ibid.* Page 101 et seq. gives also an overview over the development within the British part.

⁸ D. Rauschnig, "Art. 77", in: B. Simma, *The Charter of the United Nations. A Commentary*, 2nd edition, Vol. II, 2002, MN 13.

ian Somalia⁹ and the question of disposal of former Italian colonies was referred to the UN General Assembly in 1949. The General Assembly recommended that Italian Somalia be placed under an international trusteeship system for 10 years “from the date of the approval of a Trusteeship Agreement by the General Assembly”, as it was termed, with Italy as the administering authority, followed by independence,¹⁰ with the clear proviso that the Italian administration was to prepare the former colonial territory for independence. On 1 April 1950, after Italy had accepted the UN terms, the British military government in this part of the country, was replaced by a provisional Italian administration. The UN had carefully circumscribed the Italian trusteeship: it placed the responsibility for the trust territory in the hands of a special government agency, the Italian Trusteeship Administration (Amministrazione Fiduciaria Italiana della Somalia – AFIS). The Agreement also created the UN Advisory Council, based in Mogadishu, which reported directly to the UN Trusteeship Council. The Council examined AFIS programs. Further the establishment of political institutions, expansion of the educational system, social and economic advancement, and guarantees of the freedom of speech and press were controlled.¹¹

Meanwhile rapid progress toward self government was being made in British Somaliland fostered by the United Kingdom. In 1956 it agreed to the gradual introduction of a representative government in the protectorate and accepted eventual independence and union between British Somaliland and Italian Somalia.¹² British Somaliland became independent on 26 June 1960 and was joined five days later by the then independent Italian Somalia to form the Somali Republic. In June 1961 it adopted its first constitution, which provided for a democratic state with a parliamentary form of government based on European

⁹ Cf. article 23 of the 1947 Peace Treaty (Trattato di Pace del 10 Febbraio 1947) Part II Section IV), UNTS Vol. 49 No. 747, see in particular Annex XI which referred the question to the United Nations for consideration.

¹⁰ A/RES/289 (IV) of 21 November 1949. The Trusteeship Agreement was adopted by A/RES/442 (V) of 2 December 1950.

¹¹ See the Trusteeship Agreement UNTS Vol. 118 No. 381 which comprises altogether 25 articles and an Annex headed “Declaration of Constitutional Principles”, here in particular article 3 for economic and social advancement as well as the development of political institutions. Furthermore arts 4 (education) and 14 (economic and social advancement of the indigenous population); Nelson, see note 5, 29. On Trusteeship see further N. Matz, in this Volume.

¹² Nelson, see note 5, 34; Foreign and Commonwealth Office, see note 1.

models.¹³ There followed a period with a functioning parliamentary democracy.

Although officially unified in one single state, the former British part and the former Italian Trust territory were, from an institutional standpoint, two separate countries. Italy and the United Kingdom had left them with separate administrative, legal, and educational systems where different procedures were used and different languages spoken by the elites. The orientation of their elites were divergent because of their different backgrounds. Economic contact between the two regions was virtually nonexistent. Northern political, administrative and commercial elites were reluctant to accept that they had to orient themselves towards Mogadishu now.¹⁴ It is interesting to note that already in 1960 the UN seemed to have expected something like that and it appointed a *Consultative Commission for Integration*, an international board under the lead of UN expert Paolo Contini. The Commission was to guide the merger of the new country's laws and institutions and to reconcile the differences.¹⁵ The country was at that time, in the hands of a government that was open to western democracies, in particular the United Kingdom and Italy. It might have been a reflection of its desire to demonstrate independence that the government established close ties with both the Soviet Union and China. The Soviet Union's influence grew in the following years and it provided military as well as non military aid and with it a Marxist perspective gained momentum in larger parts of the society.¹⁶ During the 1960 the United States also supplied non-military aid, a large proportion of it in the form of grants but the attitude towards the United States was negatively influenced by its support for Ethiopia, with whom Somalia always had a difficult relationship.¹⁷

It was Maj. Gen. Siad Barre who, in a bloodless coup in 1969, brought to an abrupt end the process of party-based constitutional democracy. The military coup that brought down the democratic regime defined its action as a Marxist revolution not only instituting a new political order but also proposing the radical transformation of the whole

¹³ U.S. Department of State, Bureau of African Affairs, January 2005.

¹⁴ Nelson, see note 5, 35.

¹⁵ This Commission later on (1964) was succeeded by the Consultative Commission for Legislation, which was composed solely of Somalis.

¹⁶ It is interesting to note that Italy's sponsorship enabled Somalia to become an associate of the European Economic Community, which assured it a preferential status in West European markets, Lewis, see note 3, 165.

¹⁷ Nelson, see note 5, 41.

Somali society by what the new regime called “scientific socialism.”¹⁸ Barre promised “to make Somalia a respected country in its internal and external policies. We want the Somali people to use the wealth and prosperity hidden in their land and avoid begging other nations” and hailed the slogan “socialism unites, tribalism divides.”¹⁹ Following the coup, power was vested in a 20 member Supreme Revolutionary Council (SRC), vesting in itself the earlier functions of the President, Council of Ministers, National Assembly and Supreme Court. All existing legislation from the previous democratic regime remained in force unless specifically abrogated by the SRC. Abrogation was usually on the grounds of being “incompatible ... with the spirit of the Revolution.”²⁰ To complete the command structure of the new regime, a fourteen man Secretariat – the so-called Council of the Secretaries of State (CSS) was established to administer the day-to-day bureaucratic responsibilities of the government. At the regional and local level, civilian administrators were replaced with military and police governors, and district commissioners.²¹ In February 1970 the democratic constitution, which was suspended at the time of the coup, was formerly repealed by the SRC.²² As for diplomacy, the SRC posted military officers to various Somali missions and embassies around the world.²³

The regime relied on the use of force and terror against the Somali population. The SRC pursued a course very close to the Soviet Union and in 1974 concluded a treaty of friendship with the Soviet Union (it was the first black African nation to do so) and later on joined the Arab League. But it expelled all soviet advisers and abrogated the friendship

¹⁸ Nelson, see note 5, 51 et seq.; Foreign and Commonwealth Office, see note 1; It was never proved by the way that the Soviet Union was responsible for the coup, but the Western world wanted to stick to that view.

¹⁹ A.I. Samatar, *Socialist Somalia-Rhetoric and Reality*, 1988, 85; M. Höhne, *Somalia zwischen Krieg und Frieden*, Institut für Afrika Kunde, Bd.113, 2002, 40; Lewis, see note 3, 209 et seq. At the time of the coup the UN had listed Somalia in the special category of least developed countries. It was one of the world’s 10 poorest countries.

²⁰ Nelson, see note 5, 47; Samatar, see note 19, 113; Lewis, see note 3, 207.

²¹ Nelson, see note 5; Samatar, see note 19, 86.

²² Nelson, see note 5, 47.

²³ Samatar, see note 19, 86.

treaty in 1977 after the unsuccessful invasion of Ethiopia, and Soviet help for the Ethiopian government.²⁴

Various insurgent groups combined to oppose the Barre regime in a bloody civil war by the 1980s and thousands of Somalis fled their homes, seeking refuge in neighboring states. Barre looted the national treasury in order to finance the anti-insurgency activities. His political power was vanishing and external support was more and more withdrawn. By the end of 1990 the state almost collapsed. When Barre fled the country in 1991²⁵ Somalia descended into anarchy. The opposition forces had just one thing in common: the defeat of Barre and the moment they had succeeded, power was immediately assumed by the Hawiye, a clan that played virtually no role in the anti-Barre struggle until a few month before his fall.

By July 1991 Ali Mahdi, who belonged to the Abgal clan of the Hawiye clan family, was installed in office as Interim President for Somalia after being appointed in Djibouti by the United Somali Congress (USC), which had been founded in Italy in 1987, being a league of all resistant movements against Barre. Not surprisingly his appointment was immediately contested by the faction aligned with General Aidid of the Habar Gedir clan of the Hawiye.²⁶ Mahdi and Aidid appeared to be the main contenders for national leadership, neither of them likely to unite the country. The biggest challenge for the post-Barre leadership was how to establish public institutions out of the present anarchy. There was not even a functioning police force.²⁷ Mahdis government was recognized by several countries.²⁸ By the end of 1991 fierce fighting in Mogadishu between Aidid and Mahdi forces paralyzed the city and spread over the country. Several attempts by the Organization of African Unity (OAU), the Organization of the Islamic Conference (OIC),

²⁴ Department of Public Information, *The Blue Helmets*, 3rd edition, 1996, 287; Nelson, see note 5; S.M. Makinda, *Seeking Peace from Chaos: Humanitarian Intervention in Somalia*, 1993, 58; Lewis, see note 3, 231 et seq.

²⁵ He later died in exile in Nigeria.

²⁶ Makinda, see note 24, 31; T. Debiel, *UN-Friedensoperationen in Afrika*, 2003, 136; Lewis, see note 3, 264; The United Nations and Somalia, see note 4, 12.

²⁷ In early 1993 efforts were reportedly made to retrain some former members of the police force that the Germans had begun training in 1978, cf. Makinda, see note 24, 30; The United Nations and Somalia, see note 4, 59. Cf. also under II. 4. a, note 96.

²⁸ Djibouti, Egypt, Italy, and Saudi Arabia.

as well as the Arab League were made to stop the fighting and start a dialogue between the factions, but without any success. In 1992 Aidid sought an alliance with other groups and formed the Somali National Alliance (SNA). Attempts by Aidid and Mahdi to form trans-clan coalitions were unsuccessful.²⁹

The fighting that followed, with clans and sub-clans which were loosely allied, together with the worst drought of the century proved to be a disastrous combination. At the height of the civil war this drought led to a devastating famine which killed 300,000 and affected as many as three million people. The war in the south created a huge displacement of people, uprooting an estimated 1.7 million, over one third of the entire population. As many as a quarter of a million people from rural areas pored into Mogadishu, where aid agencies had set up relief camps. As the war in Mogadishu intensified most of the city residents were displaced, again creating a massive flow of moving population.³⁰ Two million had fled to Kenya, Ethiopia, Yemen and Djibouti.³¹ Security could be provided only by the armed groups, outside of any command structure and subject to no political control. International efforts to help the people of Somalia were rendered almost impossible because supplies were looted for the own combatants.³² Despite the fact that insecurity increased some international NGOs remained and continued their efforts to alleviate the suffer.³³ They provided food, shelter and medicine. However, the problems they faced became more and more severe. Supplies were not unloaded and as soon as they were unloaded the goods were often stolen. There were poor road conditions and some relief workers were subject to extortion or robbery. Running water and electricity were only available in some places. According to the ICRC its organization's relief work in Somalia in 1992 was its biggest under-

²⁹ Makinda, see note 24, 32, 33.

³⁰ I. Ahmed/ R. Green, "The Heritage of War and State Collapse in Somalia and Somaliland: Local-level Effects, External Interventions and Reconstruction", *Third World Quarterly* 20 (1999), 113 et seq. (121).

³¹ Department of Public Information, see note 24, 288.

³² S.D. Murhpy, "Nation-Building: A Look at Somalia", *Tul. J. Int'l & Comp. L.* 19 (1995), 19 et seq. (23); The United Nations and Somalia, see note 4, 13-15.

³³ The International Committee of the Red Cross, Save the Children, World Vision, and Oxfam as well as UNICEF were still in the country – to name a few.

taking since World War II.³⁴ And it was the ICRC which tried in vain to bring the situation and the dawning humanitarian catastrophe to the attention of the world community. Intervening in a country without any state structure was something new to the agencies which were used dealing with central authorities. The operational guideline of the agencies were made for natural disasters but not for complex emergencies that require creative and flexible programming under the conditions of a continuing conflict. But the civil war in Somalia did not attract much global attention. This was due to the Iraq/Kuwait crisis in 1991 as well as the beginning of the war in former Yugoslavia and, last but not least, the break up of the Soviet Union. All these events attracted the attention of the international community. As there were no functioning embassies within Mogadishu, no diplomatic cables could be sent to alert the world. And as most journalists kept out of the country the so-called “CNN factor” could not come into play.³⁵

II. How Did the United Nations Get Involved?

The conflict within the country started to threaten the security situation in the whole region. And just a couple of days before the end of his term, Secretary-General Javier Pérez de Cuéllar informed the President of the Security Council that he intended to make an attempt to restore peace in Somalia. The OAU, the League of Arab States, as well as the OIC were in favor of such an attempt as their efforts, so far, had had no success.³⁶ It might have been due to the ongoing commitments of the United Nations in Yugoslavia that the UN did not react earlier, which led to accusation to use double standards. After consulting incoming

³⁴ Makinda, see note 24, 42. The WFP had predicted the famine as early as 1990.

³⁵ Kofi Annan used this expression in his key note address, cf. K. Annan, “Peace-Keeping in Situations of Civil War”, *N.Y.U.J. Int’l L. & Pol.* 26 (1994), 623 et seq. (624). A good example for the importance of this “factor” is the recent hunger crisis in Niger where 2.5 million people are in need of food aid. The Under-Secretary-General for Humanitarian Affairs called this crisis in July 2005 the “number one forgotten and neglected emergency in the world”. WHO had already at the end of 2004 asked for supplies for this region. But the tsunami in 2004 and its consequences was the important headline at that time.

³⁶ See preamble of S/RES/733 (1992) of 23 January 1992. Here the several unsuccessful appeals of the regional organizations are mentioned.

President Boutros Boutros-Ghali, the Under-Secretary-General for Special Political Affairs visited the area. In early January 1992 he led a team of United Nations officials to Somalia in order to foster political reconciliation and to secure access by international aid agencies. During that visit no agreement for a cease-fire could be reached but there was unanimous support for a United Nations role in bringing about national reconciliation.³⁷ It was against that background that the Security Council placed Somalia on its agenda on 23 January 1992.³⁸ After the results of the visit were reported to the Security Council the Council unanimously adopted on 23 January S/RES/733.

Considering the “request by Somalia for the Security Council to consider the situation in Somalia”³⁹, having heard the report of the Secretary-General on the situation in Somalia and the initiative taken by him in the humanitarian field, “gravely alarmed at the rapid deterioration of the situation in Somalia and the heavy loss of human life”, and being concerned that the “continuation of this situation constitutes ... a threat to international peace and security”, recalling the primary responsibility of the Security Council under the Charter of the United Nations for the maintenance of international peace and security, it urged all parties to the conflict to cease hostilities, promote reconciliation and facilitate the delivery of humanitarian assistance. It was in line with the non recognition of Somaliland that the United Nations did not differentiate between the two in this and the following resolutions, but just referred to “Somalia”.

³⁷ The United Nations and Somalia, see note 4, 17.

³⁸ The Council had received from the Permanent Mission of Somalia in New York a letter which transmitted communications from the country's Interim Prime Minister Omer Arteh Ghalib. He asked that the question of the situation in Somalia be included in the agenda of the Council and authorized the Permanent Mission to present to the Council the deteriorating situation in Somalia, particularly the fighting in Mogadishu, and hoped that the Council “will come up with a programme of effective action to end the fighting and contribute to cementing peace and stability in the country,” Doc. S/23445 of 20 January 1992.

³⁹ This reference later on proved to be problematic - as the Security Council gave the impression that Somalia as such had made the request, but in fact Mahdi's government was not universally recognized, see above note 28, and the Aidid faction later on blamed the UN for having been biased from the beginning. Furthermore, the acting Secretary-General Boutros Boutros-Ghali had been minister for external affairs before becoming Secretary-General, and Egypt had had very close relations with the Barre regime. All this complicated the situation later on.

Two things must be mentioned explicitly: first; the devastating civil war with all its consequences was classified by the Security Council as a threat to international peace and security under Article 39 of the UN Charter and thereby opened the way for collective action. This was in line with the Council's perceptions. Such a perception was made for the first time when the United Nations assisted the Congo in the chaotic aftermath of independence in 1960. Already in S/RES/161⁴⁰ the Security Council had stated its concerns that the danger of civil war with all its impact for the region constituted a threat to international peace and security. Second; in S/RES/733 the Council also decided under Chapter VII on a general and complete embargo on all deliveries of weapons and military equipment to Somalia.⁴¹ But Chapter VII was invoked only in this respect.

In February the Secretary-General together with representatives from the League of Arab States, the OAU and the OIC as well as from both rival factions had talks at the UN Headquarters in New York with the aim to establish a cease-fire and to help the process of political settlement by a conference on national reconciliation and unity. At the meeting the immediate cessation of hostilities was agreed upon as well as a visit to Mogadishu by a delegation comprised of representatives of the UN, OAU, League and Conference. In March after several consultations, Aidid and Mahdi signed an *Agreement on the Implementation of a Cease-Fire*.⁴² The agreement also included the acceptance of a United Nations Security component for convoys of humanitarian assistance, as well as the deployment of 25 military observers. The two sides agreed also that a Technical Team would visit Somalia, which later on was authorized through S/RES/746⁴³ to develop "a high priority plan to establish mechanisms to ensure the unimpeded delivery of humanitarian assistance." The team which was sent, also included representatives of the three Regional Organizations. The team still was facing rival factions but managed to have the following agreements signed: unarmed military observers would be deployed in order to monitor the

⁴⁰ S/RES/161 (1961) of 21 February 1961.

⁴¹ S/RES/733 (1992) of 23 January 1992, operative para. 5. Although the Council later on set up a Committee of the Whole in order to monitor implementation of the arms embargo (the sanctions are still in place even in 2005) the flow of weapons into Somalia has still not stopped today.

⁴² Madhi had unsuccessfully asked for a peace-keeping force to implement the agreement. Aidid just had agreed to a UN security component for humanitarian aid, cf. Department of Public Information, see note 24, 289.

⁴³ S/RES/746 (1992) of 17 March 1992.

cease-fire, and a lightly armed force to provide security for relief personnel, equipment and supplies at Mogadishu port and airport and to escort convoys of relief supplies.

1. The Establishment of UNOSOM

It was on 24 April 1992 when the Security Council through Resolution 751⁴⁴ “Cognizant of the important cooperation between the United Nations and regional organizations in the context of Chapter VIII of the Charter of the United Nations”, underlying the importance to provide humanitarian and other relief assistance, decided to establish UNOSOM (United Nations Operation in Somalia). In its operative para. 3 the resolution provided the immediate deployment of 50 unarmed observers to monitor the cease-fire in Mogadishu and in para. 4 agreed in principle to establish a security force to be deployed as soon as possible.⁴⁵ The Security Council recognized that a political solution of Somalia’s crisis would have to be found if the root causes of the humanitarian emergency were to be dealt with effectively. The Secretary-General was therefore asked to continue efforts towards convening “a conference on national reconciliation and unity in Somalia ...”. National reconciliation was therefore very early an integral part of UNOSOM’s mandate.⁴⁶ Already in April it was further proposed and later agreed on, that operations should not only cover the Mogadishu area but be structured in four zones within the country. In each zone a consolidated UN operation would manage the humanitarian activities, monitor the cease-fire, maintain security, all within the framework of national reconciliation efforts.⁴⁷ M. Sahnoun was appointed as Special Representative for Somalia.⁴⁸

⁴⁴ S/RES/751 (1992) of 24 April 1992.

⁴⁵ The observers were provided by Austria, Bangladesh, Czechoslovakia, Egypt, Fiji, Finland, Indonesia, Jordan, Morocco, Pakistan and Zimbabwe.

⁴⁶ The United Nations and Somalia, see note 4, 20.

⁴⁷ See in this respect S/RES/767 (1992) of 24 July 1992. It is remarkable in this respect that the Secretary-General stated: “I am aware of the very delicate question of the secession proclamation in the north ... The deployment of UNOSOM to the north would not prejudice in any way the decision of the Somali people on their national future”, cited in: H.M. Adam, *Formation and Recognition of New States: Somaliland in Contrast to Eritrea*—available at: <<http://ccasls.concordia.ca/contents/pap4.htm>> again a clear

By the time UNOSOM was established the challenge was not so much to prevent the outbreak of famine but to contain it as quickly as possible. The United Nations had estimated that 4.5 million Somalis - almost 65 per cent of the country's population - were in need of assistance. Of these 1.5 million were considered to be at immediate risk.⁴⁹ The crisis had still not received the attention it warranted from the international community. But even after donors had been mobilized, the crisis intensified. Lawlessness, insecurity and violence prevented the delivery of the urgently needed humanitarian help. In spite of all efforts by August 1992, unprecedented numbers of people were dying of hunger and disease. As a consequence in August, by S/RES/775⁵⁰, the Security Council therefore authorized the increase of UNOSOM and in September its total authorized strength stood at 4,219 troops and 50 military observers. But only a few of this authorized number of troops - some 900 - were deployed during UNOSOM.⁵¹ This force was not charged, as mentioned above, with serving any law and order functions; its purpose was limited instead to facilitate immediate humanitarian relief operations, as outlined in the Report of the Secretary-General.⁵²

As to the humanitarian efforts which were underway at that time it must be remarked that there were six main United Nations Organizations working in Somalia and coordinating all the humanitarian efforts: FAO, UNDP, UNICEF, WFP and WHO, as well as the Office of the United Nations High Commissioner for Refugees. The ICRC as well as 30 NGOs also continued to provide assistance. The decision to develop a 100-Day Action Program for Accelerated Humanitarian Assistance⁵³ for the period up until the end of 1992 - later on this program was prolonged - had overwhelming coverage and generous donor response.

sign that the United Nations did not in any way wanted to influence or get involved in this recognition conflict.

⁴⁸ His specific approach in order to settle the dispute between the rival factions will be discussed later on- see note 114, below.

⁴⁹ The United Nations and Somalia, see note 4, 21.

⁵⁰ S/RES/775 (1992) of 28 August 1992.

⁵¹ Department of Public Information, see note 24, 317.

⁵² Doc. S/23829 of 21 April 1992, 7.

⁵³ The Program had the following main objectives: massive infusion of food aid, aggressive expansion of supplementary feeding, provision of basic health services, urgent provision of clean water, sanitation and hygiene, provision of shelter materials, prevention of further refugee outflows, building institutions and civil society rehabilitation and recovery. Of the requested US\$ 82.7 million 67.3 million were received.

But again despite all efforts, already in October/November 1992 the international community had to accept that the situation was out of control. In the absence of a strong government and governmental control, a dozen or more struggling factions were active within the country. Neither Aidid nor Mahdi were able to bring the situation under control and Aidid furthermore started to object to the UN forces. The political chaos started again to severely hamper the delivery of humanitarian supplies. Somali authorities were competing for anything of value and in some areas the international aid had become a major source of income. In essence humanitarian supplies became the basis of an otherwise non-existent Somali economy. The looting of warehouses and convoys was daily practice and although large amounts of relief supplies were present they could not be distributed.⁵⁴

2. The Situation at the End of 1992

This was the situation at the end of 1992. Concerning the involvement of the United Nations up to this point the following has to be remarked:

First: the primary purpose of UNOSOM was to secure the delivery of humanitarian assistance to the civilian population. It was conceived as a traditional peace-keeping mission even though, and for the first time ever in the history of United Nations peace-keeping, one of its primary purposes was to make possible the delivery of emergency assistance to a civilian population.⁵⁵

Second: as peace-keeping in contrast to peace enforcement is not expected to achieve its objectives through the use of force, the mission could use weapons only in self defense, which is usually defined to include defense of the mandate, as well as of the respective personnel and property. UNOSOM I (as it was later called), the security force sent to Somalia under S/RES/751 was intended to help deter attacks on humanitarian relief operations and was to use its weapons solely in self defense.⁵⁶ To use force solely in self defense later proved, in the case of UNOSOM I, to be the biggest stumbling bloc fulfilling its mandate.

⁵⁴ Cf. Doc. A/47/553 of 22 October 1992; Department of Public Information, see note 24, 293.

⁵⁵ The United Nations and Somalia, see note 4, 24.

⁵⁶ Ibid.; cf. also C. Gray, *International Law and the Use of Force*, 2004, 222.

Third: the Security Council had vastly increased the number of peace-keeping forces after the end of the cold war. Many of these forces were deployed within states involved in civil wars rather than between states. UN forces were faced by irregular forces and insurgents rather than regular armies. Civil conflicts brought humanitarian emergencies, refugees and collapsed state institutions. *Christine Gray*⁵⁷ points out clearly that all that led to a changed understanding of peace-keeping as international intervention had to go beyond military or humanitarian operations to bring about national reconciliation and re-establishing state institutions. That was in line with the Agenda for Peace of January 1992⁵⁸, according to which peace-keeping had to comprise other tasks, i.e. national reconciliation, demobilization of combatants, or mine clearing, next to preserving the peace as such. Therefore peace-keeping became more complex than before. Somalia, in this respect, clearly cannot only be classified as being a case of such so-called “second generation peace-keeping”, but it also will be shown in the following that the constantly changing situation within the country and among its several factions caused the United Nations to change the mandate of UNOSOM several times. Furthermore Somalia proved to be one of the cases next to Bosnia which had an heavy input on the 1995 Supplement to An Agenda for Peace.⁵⁹

Fourth: UNOSOM’s mandate at this stage was twofold, as it was charged to stop the famine, as well as to foster national reconciliation in order to build up a durable peace in the long run. At this point it has to be remarked, however, that there were no ambitious efforts by the United Nations during this phase to impose peace in Somalia. It simply was hoped that the presence of UNOSOM foremost would stabilize the situation. But peace-keeping operations can only be successful when the parties themselves want peace and the mission depends upon

⁵⁷ Gray, see above, 210. For an good overview of the development of peace-keeping see D. Banerjee, “Current Trends in UN Peacekeeping: A Perspective from Asia”, *International Peacekeeping* 12 (2005), 15 et seq.

⁵⁸ Report of the Secretary-General, *An Agenda for Peace, Preventive Diplomacy, Peacemaking and Peace-keeping*, Doc. A/47/277-S/24111 of 17 June 1992.

⁵⁹ *Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, Doc. A/50/60-S/1995/1 of 3 January 1995. The Supplement was more realistic about the challenges posed by complex emergencies and further acknowledged the threats faced by such undertakings.

the consent of all the parties involved.⁶⁰ Something which turned out to be extremely problematic.

Fifth: In a country like Somalia with its more than dozen factional leaders, it proved to be difficult not only to obtain such a consent, but also to maintain it. The above-mentioned cease-fire agreement⁶¹ involved only the two (main) parties and shifting alliances led to the above mentioned political chaos of October/November 1992. Another alarming development was that there was a widespread perception among Somalis that the United Nations had decided to abandon its policy of neutrality and was planning to “invade” the country.⁶² Cleverly Aidid, used this perception in order to unite his forces against the “common enemy” – the United Nations.⁶³

The reign of this political chaos, started to become dangerous for UNOSOM I. Even if the consent of the parties was not withdrawn explicitly the behavior of Aidid caused the Security Council to realize that Chapter VII measures were not avoidable any longer, if the whole mission should not fail completely.

The United States indicated that should the Security Council decide to authorize Member States to ensure the delivery of aid, the United States would be ready to take the lead in organizing and commanding such an operation.

3. UNITAF and the Operation Restore Hope

On 3 December 1992 the Security Council adopted unanimously resolution 794. The Council was determined by the magnitude of the human tragedy caused by the conflict in Somalia, which was further exacerbated by the problems concerning the distribution of humanitarian assistance constituting a continuing threat to international peace and security.⁶⁴ Gravely alarmed by the deterioration of the humanitarian

⁶⁰ See in this respect, *Certain Expenses of the United Nations case*, ICJ Reports 1962, 151 et seq.

⁶¹ See at note 42.

⁶² An incident in 1992, when an airplane chartered by WFP transported without the knowledge of the UN, ammunition and money for the Mahdi faction, seemed to prove this perception.

⁶³ See the Statement of the Secretary-General in this respect, Doc. S/24859 of 27 November 1992.

⁶⁴ Preamble para. 3.

situation and the urgent need for the quick delivery of humanitarian assistance, determining further “to restore peace, stability and law and order with a view to facilitating the process of a political settlement”, it welcomed the offer by Member States concerning the establishment of an operation to create such an secure environment. “Acting under Chapter VII”, the Security Council authorized “the Secretary-General and Member States cooperating to implement the offer ... ” and “to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia.”⁶⁵

The key words in this respect were “all necessary means.” This meant that the force this time was authorized to use force to establish secure conditions for humanitarian relief. Interestingly enough the resolution made no specific reference to disarmament or demobilization. The resulting operation became known under the code name *Operation Restore Hope* and officially as the Unified Task Force (UNITAF). The Council further called on Member States to provide military forces and to make additional contributions.⁶⁶ The operation and the further deployment of the 3,500 personnel of UNOSOM I already authorized by resolution 775 should proceed at the discretion of the Secretary-General in the light of his assessment of the conditions on the ground, the Security Council decided.⁶⁷

UNITAF set a new precedent for the United Nations, but not in the respect that Member States were authorized to take military action under Chapter VII of the Charter. In this respect one must note that it was S/RES/678 (1990) of 29 November 1990 concerning the Iraq war, which stands for a revolutionary change in the international regulation concerning the use of force. In this resolution the Security Council had authorized Member States to use “all necessary means”, to ensure that Iraq withdrew all its forces from Kuwait and to restore international peace and security in the area. The Coalition Forces in that war did not operate under the UN flag or command. And the Resolution had just referred to Chapter VII without naming a specific article. Whether the action itself has been a measure under Article 42 or an act of collective

⁶⁵ Operative para. 10.

⁶⁶ The Secretary-General was asked to establish a Fund (operative para. 11). By mid January 1993 Denmark, Finland, Ireland, Japan, Norway, the Philippines, the Republic of Korea, Saudi Arabia and Singapore had altogether allocated US\$ 114,215,000. Altogether the Fund raised 335,268,591 US\$, cf. Makinda, see note 24, 44.

⁶⁷ Operative para. 6.

self defense has been heavily debated ever since.⁶⁸ But this question is not of relevance here, as Somalia proved to be remarkable in another aspect. This was that the United Nations for the first time in its history authorized a group of Member States to use military force not under UN command solely for humanitarian ends in an internal conflict, albeit one with serious threats for the regional peace and security. This was entirely new, as Chapter VII of the UN Charter had been conceived so far to deter or repel acts of aggression against sovereign states.⁶⁹

It was President Bush who responded to this resolution.⁷⁰ And as mentioned above although the United Nations had established UNITAF the UN neither organized nor commanded the troops that were sent to fulfill the mandate. It was the United States which not only had the largest contingent but also assumed the operational command (although the force was to cooperate with the UN Headquarters in New York as well as with UNOSOM staff in Mogadishu).⁷¹ The first elements of UNITAF arrived in Mogadishu early December. The coalition was estimated to consist of round about 24,000 American military personnel and 17,000 personnel from allied nations.⁷² And there was another remarkable aspect in connection with UNITAF. It was not financed as usual through voluntary contributions or mandatory assessments on all Member States or by voluntary contributions following the approval of their budgets by the General Assembly. Since UNITAF was organized by the United States, the United Nations was not in-

⁶⁸ Arts 42, 48 or 51 of the Charter are discussed. This is not the place to elaborate on this question any further, see in this respect D. Sarooshi, *The United Nations and the Development of Collective Security*, 1999.

⁶⁹ The United Nations and Somalia, see note 4, 33.

⁷⁰ "Our Mission is humanitarian, but we will not tolerate armed gangs ripping off their own people, condemning them to starvation ...", G. Bush, "Humanitarian Mission to Somalia: Address to the Nation", Washington DC, 4 December 1992, US Department of State Dispatch Vol. 3, No. 49, 7 December 1992.

⁷¹ The United Nations and Somalia, see note 4, 33; W. Clark/ J. Herbst, "Somalia and the Future of Humanitarian Intervention", *Foreign Aff.* 75 (1996), 70 et seq. (75); Lewis, see note 3, 268.

⁷² In addition to the United States forces, UNITAF included military units from Australia, Belgium, Botswana, Canada, Egypt, France, Germany, Greece, India, Italy, Kuwait, Morocco, New Zealand, Nigeria, Norway, Pakistan, Saudi Arabia, Sweden, Tunisia, Turkey, United Arab Emirates, United Kingdom and Zimbabwe; cf. also Murphy, see note 32, 27.

volved in preparing its budget. Therefore the costs were borne by the countries supplying troops and countries which contributed to the already-mentioned trust fund.⁷³

The primary aim of UNITAF was to secure the delivery of food throughout the country, as well as to restore law and order, with the final aim to transfer the responsibility later on to UNOSOM.⁷⁴ But the Secretary-General had made it clear in his letter to President Bush, that only under two conditions could the transition to continued peace-keeping be made: first: that UNITAF should take effective action to ensure that the heavy weapons of the organized factions were brought under international control and that the irregular forces and gangs were disarmed before UNITAF withdrew; second: that UNITAF's authority be exercised throughout the whole of Somalia and not only Mogadishu and its surroundings.⁷⁵

There was meant to be a clear division between UNITAF and UNOSOM I, but it seems that the combination of a peace-keeping force and an enforcement force, both operating at the same time during an ongoing conflict, did not prove a valuable concept.⁷⁶ There were logistical as well as operational problems between the two units. In particular the disarmament proved to be handled in an inappropriate manner and became the subject of major dispute between the Secretary-General and the Americans. It actually arose from the differing interpretations of what constituted "a secure environment", as termed in operative para. 7 of the resolution. Did it only mean protecting the delivery of food supplies or the wider task of creating secure conditions under which the UN could operate. The U.S. commander argued that disarmament was not part of the mission and Somali warlords were told that they could keep their weapons if they moved them outside Mogadishu.⁷⁷ This later on proved to be a tragic mistake, as the disarmament

⁷³ See note 66.

⁷⁴ With an annual expenditure of US\$ 1.5 billion the intervention was the most expensive humanitarian operation ever undertaken so far, cf. Ahmed/Green see note 30, 122.

⁷⁵ Department of Public Information, see note 24, 295.

⁷⁶ See on the incompatibility of peace-keeping and enforcement forces, Gray, see note 56, 226 et seq.

⁷⁷ Clark/ Herbst, see note 71, 75; Makinda, see note 24, 71; Murphy, see note 32, 27; R. Murphy, "United Nations Peacekeeping in Lebanon and Somalia, and the Use of Force", *Journal of Conflict and Security Law* 8 (2003), 71 et seq. (75). It is interesting to note that the Australian compound was much

would have been possible and would have send an early and absolutely clear message that the United States and the United Nations were serious about restoring order in the country and were moving in the same direction. In March 1993, 37,000 troops were deployed in southern and central Somalia. No troops were deployed in the north and in border areas.

4. The Transition from UNITAF to UNOSOM II and the Period until May 1994

In para. 19 of S/RES/794 the Council had requested the Secretary-General to submit a plan as to how it could be ensured that UNOSOM I would be able to fulfill its mandate upon the withdrawal of the unified command. In March 1993 the Secretary-General submitted to the Security Council his recommendations for an effective transition from UNITAF to a new mission, UNISOM II, which would replace UNOSOM I.⁷⁸ The overall security situation in the sectors under the control of UNITAF had improved,⁷⁹ and a political dialogue had started.

He described as the central goal of the United Nations to assist the people of Somalia “to create and maintain order and new institutions for their own governance”, but the primary initiative had to be left to the Somalis themselves. A clear statement concerning the principle of self determination. National reconciliation, he said, was a particularly difficult task because of the “multiplicity of the parties.”⁸⁰ The threat to international peace and security which the Council ascertained in S/RES/794 was still imminent and consequently UNOSOM II would not be able to implement the mandate unless it was endowed with enforcement powers under Chapter VII and the mandate would have to cover the whole country.⁸¹ The mandate the Secretary-General described included inter alia: monitoring that all factions respected the

more successful in this respect. They established a weapons registration system and adopted a policy of confiscating and destroying all unauthorized weapons, see M. Mersiades, “Peacekeeping and Legitimacy: Lessons from Cambodia and Somalia”, *International Peacekeeping* 12 (2005), 205 et seq. (214).

⁷⁸ Doc. S/25354 of 3 March 1993.

⁷⁹ Ibid., paras 6 and 19 et seq.

⁸⁰ Ibid., para. 43.

⁸¹ Ibid., para. 58.

cease-fire, preventing any resumption of violence, maintaining control of heavy and small arms, securing peace to all ports and airports needed for the humanitarian supply, protecting the international personnel.⁸² Ending his assessment the Secretary-General again pointed out, should the Security Council consider the time to be ripe for a transition from UNITAF to UNOSOM II, UNOSOM II should be endowed with enforcement powers under Chapter VII of the Charter. UNOSOM II should continue to complete mainly through disarmament and reconciliation, the tasks begun by UNITAF, whose primary focus was the restoration of peace, stability, as well as law and order.⁸³ He suggested 1 May 1993 as transfer date and UNOSOM II military operations would be conducted in four phases: Phase I-transition from UNITAF to UNOSOM II; Phase II-consolidation and expansion of security; Phase III-transfer to civilian institutions; Phase IV-redeployment.⁸⁴

On 26 March 1993 the Council adopted resolution 814 unanimously, following almost all proposals of the report. It acknowledged the need for a prompt, smooth and phased transition from UNITAF to UNOSOM II.

The resolution consists of three parts and the Council invoked Chapter VII of the Charter to expand the size and mandate of UNOSOM II, authorizing it for an initial period through 31 October 1993 and to operate throughout Somalia.⁸⁵ The Somali parties, including movements and factions were commanded to comply fully with their commitments they had undertaken⁸⁶ and to immediately cease and desist from all breaches of international humanitarian law, and it was reaffirmed “that those responsible for such acts be held individually accountable.”⁸⁷ The Council requested the Secretary-General, with the assistance of all relevant agencies to provide humanitarian and other assistance to the people of Somalia in order to rehabilitate their political institutions and economy and promote the process of political settlement and national reconciliation, recognizing the re-establishment of “local and regional administrative institutions” (Preamble) being essential to the restoration of domestic tranquility. It is not entirely clear

⁸² Ibid., para. 57.

⁸³ Ibid., para. 91.

⁸⁴ Ibid., para. 79. As to the costs for such an operation see Doc. S/25354/Add. 1 and 2 of 11 March and 22 March 1993.

⁸⁵ Part B, operative paras 5 and 6.

⁸⁶ See in this respect under II. 4. a. below.

⁸⁷ Part B *ibid.*, operative para. 13.

whether the Council mentioned this type of institution on purpose, but it would fit into the concept of the peace efforts so far.

It was hoped that the whole mission would be finished by 1995. On 4 May 1993 U.S. officials gave formal control to the United Nations.⁸⁸

UNOSOM II's mandate again was, in short, according to the proposals of the Secretary-General, to which the Council referred in operative para. 5 of Part B of the resolution, to monitor the cessation of hostilities, to prevent a new outbreak of violence, to take if necessary action against any faction violating the cease-fire⁸⁹, to secure disarmament, by maintaining control of the heavy weapons and to seize the small arms of all unauthorized armed elements, and to maintain security at ports, airports and lines of communication needed for the delivery of humanitarian assistance, all this next to a "nation-building" element. It had, furthermore, to protect the UN civilian staff, assist refugees and clear mines.

There was no precedent for the United Nations to follow as it embarked on this venture. The international community had committed itself to an undertaking with many unanswered questions. Would the Member States contribute sufficient troops and place them under the command of the UN? Would the forces be deployed in time for a smooth transition from UNITAF to UNOSOM II? What would happen if there were hostile attacks by one or more factions causing casualties among the troops? For the first time ever in the history of the United Nations the United States contributed troops to a peacekeeping operation. Up to that point, including contingents by permanent members of the Security Council, had been avoided. Additionally the U.S. provided a small Quick Reaction Force, originally conceived as a sort of mobile backup for rapid combat deployment, at the request of the UNOSOM II Commander. This force reported directly to the Government of the United States and was not part of the United Nations force.⁹⁰ Later this raised additional questions concerning the operation's command and control. It gave UNOSOM II greater military flexibility but also meant the United States forces would serve under two commands. Something which proved disastrous as unity of com-

⁸⁸ Clark/ Herbst, see note 71, 73.

⁸⁹ See in this respect under II. 4. a. below.

⁹⁰ Clark/ Herbst, see note 71, 73; Department of Public Information, see note 24, 301.; J.T. O'Neill/ N. Rees, "UNOSOM and Somalia", in: id., (eds), *United Nations Peacekeeping in the Post-Cold War Era*, 2005, 107 et seq. (127 et seq.)

mand was essential for effective response. The total cost of the operation was estimated at US\$ 1.5 billion per year, an amount representing one-half of UN expenditure on all its world-wide peace-keeping operations at that time.⁹¹

a. The National Reconciliation Conference

Whilst UNITAF was underway and UNSOM II had not been created the efforts of the international community were directed towards the assistance of the people of Somalia to create and maintain law and order and to form new institutions. In order to facilitate “the process of political settlement,” as outlined already in S/RES/794, the Secretary-General decided to initiate a meeting in January 1993 in Addis Ababa, as he termed it to prepare “a framework that will enable the Somali people themselves to develop ideas and suggest arrangements for the formation of a Government in accordance with their own traditions and values.”⁹² Fourteen Somali political movements attended.⁹³ Representatives of the League of Arab States, the OAU and the Islamic Conference also participated. The consequence was that three agreements were concluded and signed, and an immediate cease-fire in all parts of the country was declared. The three agreements were: a general agreement, an agreement on implementing the cease-fire and one on modalities of disarmament. Moreover the meeting agreed on the convening of a Conference on National Reconciliation, which then took place in March, also in Addis Ababa (S/RES/814 refers to these developments and commitments). After two weeks of intensive negotiations on 27 March 1993 the leaders of all attending Somali political movements adopted an agreement which consisted of several parts⁹⁴ and reaffirmed their commitment to comply fully with the cease-fire agreement, including the handing over of all weapons and ammunition to UNITAF and later on UNOSOM II. For the first time the factional leaders promised disarmament. According to the Agreement this process was to begin immediately.

The Agreement further provided for a transitional period of two years from 27 March 1993 and the transitional mechanism was to con-

⁹¹ Murphy, see note 32, 29.

⁹² Doc. S/24992 of 19 December 1992.

⁹³ As to a list of the movements, see Doc. S/25168 of 26 January 1993.

⁹⁴ Disarmament and security, rehabilitation and reconstruction, restoration of property, settlement of disputes and transitional mechanisms.

sist of the following four basic organs of authority: a Transitional National Council (TNC) consisting of 74 members, which should vest Somali sovereignty and the prime political authority, and have legislative powers. The Council would appoint a Committee to draft a transitional Charter, which would be guided by the basic principles of the Universal Declaration of Human Rights and Somalia's traditional ethics. The other organs to be established were the Central Administrative Departments preparing for the restoration of a formal government; as well as Regional and District Councils, which should be build.⁹⁵

The efforts undertaken by the United Nations in this respect show clearly that the international community and its actors were all committing to the principle of self determination. It was not intended to obtrude upon the Somali people a ready made concept of statehood. Instead the UN tried to include the Somali people in the whole process from cease-fire negotiations up until the drafting of a Charter, and it was honestly believed at that time that the whole process would not only be successfully ended but also finalized in due time. UNOSOM II the moment it was created e.g. began the process of assisting local Somali communities in establishing district and regional councils, as well as police forces.⁹⁶ All this has to be seen against the background that the UN up to that point had supervised elections in several countries and took partial responsibility for central government administration during the transition to democratic elections in Cambodia, but it had not previously attempted to help build government structures from scratch. Never in its history had the UN embarked on such a far-reaching program.⁹⁷ All this in a country where action by one faction was enough to jeopardize the fragile stability reached so far.

⁹⁵ 18 Regional Councils, one in every region with three representatives from each district council. For the 92 District Councils members had to be appointed through election or through consensus based selection in accordance with Somali traditions. See for further details, Department of Public Information, see note 24, 299. It is interesting to note that already here in respect of the Council and the Committee a concept was thought of which later on was used in Afghanistan and Iraq, in order to rebuild national authorities, cf. the respective contributions in this Volume.

⁹⁶ The United Nations and Somalia, see note 4, 48, 58-60.

⁹⁷ The United Nations and Somalia, see note 4, 47.

b. Worrying Signs

Following the transition from UNITAF to UNOSOM II it became evident very soon that the Aidid faction, in particular, would not stick to the above mentioned agreements. The whole political reconciliation process, as well as the arrangements for disarmament and demobilization, were hampered. In particular the attempts of UNOSOM II to disarm the factions led to growing tensions. It was the incident of 5 June 1993 which destroyed all hopes for a further peaceful development. When inspecting an arms depot belonging to Aidid's SNA, the SNA supporters who had campaigned for weeks against UNOSOM II killed 23 UNOSOM soldiers. They argued that the attack was in response to attempts by the UN to destroy the SNA radio station. The Security Council reacted promptly. On 6 June 1993 it adopted S/RES/837. Acting under Chapter VII it strongly condemned the armed attacks which seem "to have been part of a calculated and premeditated series of cease-fire violations to prevent by intimidation UNOSOM II from carrying out its mandate", undermining international efforts aimed at the restoration of peace in Somalia.⁹⁸ In operative para. 5 the Council reaffirmed that the Secretary-General was authorized under S/RES/814 (1993) "to take all necessary measures against all those responsible" for such attacks, in order "to establish the effective authority of UNOSOM II throughout Somalia ...". The Secretary-General was therefore authorized to secure the investigation of the actions of the perpetrators, their arrest and detention for prosecution, as well as trial and punishment. Next to the inquiry as such he had to investigate, in particular, the role of the factional leaders involved.⁹⁹ The Council finally encouraged the rapid deployment of all UNOSOM II contingents to meet the full requirement of 28,000 personnel.

Following this, UNOSOM II initiated a couple of military actions mainly in Mogadishu. It started an investigation and Aidid was asked to surrender peacefully. Later on the UNOSOM II force commander was asked to detain Aidid for investigation.¹⁰⁰ Both these attempts were

⁹⁸ Operative para. 1.

⁹⁹ Operative para. 6.

¹⁰⁰ 25,000 US\$ bounty was warranted for Aidid's head by the Special Representative of the Secretary-General, cf. N. Rezwanian-Amiri, *Gescheiterter Staat-Gescheiterte Intervention?*, 2000, 203; Murphy, see note 32, 30. In November 1993 the Security Council established a Commission of Inquiry, cf. S/RES/885 (1993) of 16 November 1993, and suspended its order authorizing the arrest of Aidid.

without success. The Secretary-General asserted again that effective disarmament was an essential precondition for the implementation of UNOSOM II's mandate. In October the Quick Reaction Force, part of the contingent as mentioned above, successfully got hold of some of the suspects of the June incident. During this operation the Aidid faction opened fire and killed 18 soldiers. The bodies of those soldiers, mainly members of the Quick Reaction Force, were later on subjected to public acts of outrage and these horrible scenes were broadcast around the world. As a consequence President Bill Clinton announced that the United States would withdraw its forces from Somalia by 31 March 1994. On 9 October the Aidid faction then suddenly declared the general cessation of hostilities.

c. A New Mandate

As the mandate of UNOSOM II was running out the Secretary-General asked for an interim expansion which was granted in October until 18 November 1993.¹⁰¹ It was clear for the International Community that the mandate of UNOSOM II had to be reviewed fundamentally. In spite of the fact that a reduction of famine and starvation within the country could be reported, the overall humanitarian situation had not really improved. 1.7 million people were displaced and more than one million had crossed into Kenya and Ethiopia, and of the above-mentioned 18 regional councils only six had been established.¹⁰² The Secretary-General pointed out that UNOSOM II was at a critical juncture. In order to review the mandate appropriately the Council renewed the mandate of UNOSOM II again for a period of six months until 31 May 1994 and decided that it would fundamentally review the mandate by 1 February 1994.¹⁰³ In order to facilitate the decision making the Secretary-General submitted a comprehensive report.¹⁰⁴

He reaffirmed that general disarmament was a necessary prerequisite for the establishment of a secure environment. But there were indications that the factions were rearming again in anticipation of new hostilities¹⁰⁵, this while the arms embargo still was in place. Furthermore, there was a big divide between the Group of 12 supporting Mahdi and

¹⁰¹ S/RES/878 (1993) of 29 October 1993.

¹⁰² Department of Public Information, see note 24, 302.

¹⁰³ S/RES/886 (1993) 18 November 1993.

¹⁰⁴ Doc. S/1994/12 of 6 January 1994.

¹⁰⁵ *Ibid.*, para. 31.

the SNA led by Aidid. The latter continued to insist that the United Nations had no role to play in the political reconciliation process of the country. This should be done by regional powers. In contrast, the Group of 12 wanted a leading role by the United Nations.¹⁰⁶ But the Secretary-General stated clearly UNOSOM II's endeavor would be "to help the people of Somalia so that they can once again be the effective masters of their destiny. UNOSOM does not and will not take sides among various factions ... My position is clear: the international community must not abandon the people of Somalia as long as an overwhelming majority of them desire the presence of the United Nations."¹⁰⁷

On 4 February 1994 the Security Council adopted resolution 897, approving a revised mandate for UNOSOM II. The Security Council again acting under Chapter VII approved the prolongation of UNOSOM II and the new mandate comprised the following tasks: encouraging and assisting the Somali parties in implementing the "Addis Ababa Agreements", in particular in their cooperative efforts to achieve disarmament and to respect the cease-fire (operative para. 2 (a)), protecting major ports and airports and essential infrastructure vital to the provision of humanitarian relief (b), continuing its efforts to provide humanitarian relief to all in need (c), assisting in the reorganization of the Somali judicial and police system (d), helping with repatriation and resettlement of refugees (e), and "Assisting also in the ongoing political process in Somalia, which should culminate in the installation of a democratically elected government" (f).¹⁰⁸ And finally providing protection for the personnel, installations and equipment of the United Nations and its agencies providing humanitarian relief (g). Concerning lit. d it has to be remarked that UNOSOM II started to reestablish the judicial and penal systems. It was equipped with an own Justice Division, also an Office of Human Rights was set up by UNOSOM II.¹⁰⁹ The Council had clearly followed in this respect the statements made by the Secretary-General in his report.

Once again one can notice a shift in the mandate. UNOSOM II this time was not engaged, according to the wording, in coercive disarmament. Nor was it to use force in response to cease-fire violations. UNOSOM II from this point on started to operate as, one could say, a

¹⁰⁶ Ibid., para. 6 et seq.

¹⁰⁷ Ibid., para. 49.

¹⁰⁸ As to the right of a democratic governance see M. Benzing, in this Volume.

¹⁰⁹ The United Nations and Somalia, see note 4, 60

conventional peace-keeping operation, firing its weapons only in self defense. The resolution further reaffirmed that the mission should be completed by March 1995 and authorized the reduction of UNOSOM II to a force level of up to 22,000.

5. The Nairobi Declaration

It seemed as if the coercive pressure had an effect on the rival parties. The new Special Representative of the Secretary-General who was appointed in February 1994 started to bring the factions back to the negotiating table. He held a series of informal talks on the overall political and security situation in Somalia with all relevant leaders. When he convened a meeting in Nairobi in March (the actual aim was to talk about the situation in the Kismayo region, where heavy inter-clan fighting was underway), this occasion provided the unforeseen opportunity to discuss the overall political situation as well. And it was on 17 March that Mahdi for the Somali Salvation Alliance (SSA – also called the Group of 12) and Aidid as the leader of the SNA met in Nairobi personally for the first time since 1992. They had a couple of intensive discussions and signed a *Declaration on National Reconciliation*.

This document¹¹⁰ is headed “Declaration by the Leaders of the Somali Political Organizations” and signed by Mahdi for the Group of 12 and Aidid for the SNA. They repudiated any form of violence as means for resolving conflicts and committed themselves to a voluntary disarmament. It was agreed in order to restore the “sovereignty of the Somali State, a National Reconciliation Conference should be convened on 15 May 1994 to elect a President and Vice President (...) and to appoint a Prime Minister.” The Somali factions which had signed the 1993 Peace Accord together with the Somali National Movement (a further faction) would meet to prepare for the conference. They would also discuss the establishment of a Legislative Assembly after the formation of a national government. The inviolability of the territorial integrity and sovereignty of the Somali republic was reaffirmed.

But again, ongoing factional disputes and conflicts led to several postponements of the Conference.¹¹¹

¹¹⁰ Doc. S/1994/614 of 24 May 1994, Annex I.

¹¹¹ Concerning the conflict in Kismayo, there an agreement was signed on 19 June 1994. It was a nine point agreement including a general ceasefire, for further details see, Department of Public Information, see note 24, 309.

6. The Period from May 1994 until August 1994 – Little Progress and the Hawiye Clan

It seemed that the international community thought that it was worthwhile to give the Somali people another chance. By S/RES/923 (1994) of 31 May 1994 (again a Chapter VII resolution) it renewed the mandate of UNOSOM II until 30 September 1994, subject to further review no later than 29 July. The Council stressed again that the people of Somalia “bear the ultimate responsibility for achieving national reconciliation and for rebuilding their country”. But also very clearly the Council stressed for the first time that “all Somali leaders have appealed to UNOSOM II to continue supporting their reconciliation and rehabilitation efforts”.¹¹²

The outbreaks of inter-clan fighting brought most of the humanitarian efforts to a halt for a couple of weeks and the situation was worsened when a Cholera pandemic broke out. UNOSOM II tried in vain to consolidate the activities and at least to secure the key routes for supply. There were again attacks against UNOSOM II personnel.¹¹³ And the reconciliation process as such also came to an absolute standstill, when the National Reconciliation Conference was finally postponed. The hope that the UNOSOM II mission would successfully be completed by the end of 1995 proved to be unrealistic.

It might have been a clever move of the new Special Representative of the Secretary-General to propose something which up to that point had been tried just once – the greater use and involvement of the clan structure of Somalia in order to foster national reconciliation. The Representative believed that the major root cause for the ongoing fighting and tensions were conflicts within the dominant Hawiye clan, to whom Aidid as well as Mahdi belonged. He stated that as long as conflicts within the sub-clan of that clan persisted no meaningful political progress could be achieved. He hoped that the moment reconciliation could be achieved between Aidid and Mahdi within their clan, the door would be open for a peaceful solution for the whole country.¹¹⁴ If this

¹¹² Preamble.

¹¹³ The force strength stood at 18,790 at that time.

¹¹⁴ Mohamed Sahnoun, see note 48, had already tried a “strategy of putting the clan system to work for Somalia.” He wanted to use the traditional authorities in order to legitimize factional leaders and to reach a minimum of stability. But he had not succeeded as the opposition from the Secretariat at

aim could be achieved throughout 1994, the agreed transitional agreement could start operating and the mission of UNOSOM II could be completed, as proposed, by 1995.¹¹⁵ In the following weeks the Special Representative held intensive discussion with both leaders.¹¹⁶ While discussions were underway a special mission sent by the Secretary-General visited Somalia from 28 July to 4 August 1994. And the Secretary-General reported to the Council that it was still too early to conclude that UNOSOM II could not achieve its objectives.¹¹⁷

7. The Period from August 1994 to March 1995

In the view of the Secretary-General the end of September would be crucial for the whole mission. Being able to inform the Council in mid October about the reconciliation progress he asked for the extension of the mandate for another month.

On 30 September, by resolution 946 the Council followed this request. “Deeply concerned by the deteriorating security environment”, strongly condemning the attacks against UNOSOM II as well as other international personnel serving in Somalia, and “underlining the responsibility of the Somali parties for the security and safety of these personnel”, the Council stressed very clearly that the support of the international community, depended very much on the resolve of the Somali parties to achieve political compromise, and even declared its readiness to “consider sending a mission of the Council to Somalia ... in order to convey directly to the Somali political parties the views of the Council on the situation in Somalia and on the future of the United Nations presence there”(operative para. 3).

By mid October 1994 the force level was round about at 15,000 (22,000 had been authorized by S/RES/897). In the judgment of the Force Commander this was the critical minimum, and below that minimum UNOSOM II could not fulfill its tasks. In the light of these considerations the Secretary-General recommended that the missions

this time was too strong. Cf. M. Sahnoun, *Somalia-The Missed Opportunities*, United States Institute of Peace, 1994.

¹¹⁵ Department of Public Information, see note 24, 310.

¹¹⁶ The tactic concerning this meeting was different from the others so far, as separate meetings were arranged between the several clans and sub-clans before proceeding to an overall session.

¹¹⁷ Doc. S/1994/977 of 17 August 1994.

mandate should be extended until 31 March 1995, an extension of the mandate longer than March 1995 would not be advisable. He stated that the international community could not sustain indefinitely its assistance nor could it impose peace on the people of Somalia. Also time would be required to ensure that the withdrawal of UNOSOM II could take place in an secure and orderly manner.¹¹⁸

One could say the final attempt was made when on 20 October the Council decided to send the above-mentioned Security Council mission to Somalia. The seven member mission visited Somalia for one day from 26 until 27 October. It met Somali faction leaders, as well as representatives of UN agencies, and NGOs operating in Somalia.¹¹⁹ The mission completed with the following outcome: 31 March 1995 would be the date to finish the mandate of UNOSOM II. None of the factions had asked for a longer extension. In its report, however, the mission noted that everything it had seen so far left the mission with the profound impression that the risk of a return to civil war was real, as political reconciliation or the emergence of a government were far from certain.

In order to allow the UN to complete the review of the mandate of UNOSOM II and to decide about the future, the Security Council prolonged UNOSOM's mandate for four days.¹²⁰ It was through S/RES/954 (1994) of 4 November 1994, that the council for the last time ever decided to extend the mandate of UNOSOM II, for a final period until 31 March 1995. The statements it made do speak for themselves: noting that hundreds of thousands of human lives have been rescued from famine in Somalia through the efforts of the United Nations and the international community and "convinced that only a genuinely inclusive approach to political reconciliation would provide for a lasting political settlement and re-emergence of a civil society in Somalia", the Council recognized the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties "over security issues", which "has fundamentally undermined the United Nations objectives in Somalia" and it concluded that under such circumstances the continuation of the mission could not "be justified." It finally noted that the United Nations would do its best to sustain humanitarian activities in Somalia and authorized

¹¹⁸ Doc. S/1994/1166 of 14 October 1994.

¹¹⁹ See message conveyed to the Somali faction leaders Doc. S/ 1245 of 3 November 1994.

¹²⁰ S/RES/953 (1994) of 31 October 1994.

UNOSOM II to take those actions necessary to protect the UNOSOM II mission and the withdrawal of UNOSOM II personnel and assets.

8. The Withdrawal

It seemed as if the decision to withdraw UNOSOM II actually prompted the political developments. Already on 19 February 1995 Mahdi and a high ranking officer from the SNA had a meeting. On 21 February a peace agreement was signed between Mahdi for the SSA and Aidid for the SNA. The two sides accepted the principle of power sharing. It was agreed to seek the presidency not through military means, but democratic elections. They further agreed to the resolution of disputes through dialogue and peaceful means. The Agreement further called for the removal of roadblocks and the reopening of the main markets. On 23 February agreement was reached on the establishment of two joint committees to manage the operation of the airport and port of Mogadishu. Further the agreement provided for cooperation of the rival factions with the United Nations. On 8 March a security agreement was reached, which set up a security committee, which was responsible for the security of the airport and port. The port was opened for commercial traffic on 9 March.¹²¹ After a major reduction of the troop strength in February 1995 it was no longer possible for UNOSOM II troops to provide the necessary protection and international agencies were advised to evacuate their national staff. On 3 March 1995 the withdrawal of UNOSOM II was completed.¹²²

Concerning the costs of the whole mission one has to note that for UNOSOM I, expenditures amounted to US\$ 42,931,700, for UNOSOM II to US\$ 1,643,485,500. Huge costs compared to other missions.

For the first time ever the United Nations had left a country before fulfilling its aims. The Permanent Representative of Spain remarked after the adoption of resolution 954, "The Council's decision today to terminate the mandate of UNOSOM II ... cannot be construed as a failure of the United Nation's involvement in Somalia. It is rather evidence that without the effective co-operation of the parties involved any peace keeping operation will be unable to reach all its objectives. ... As long as the Somali factions continue to place their partisan interests

¹²¹ For this and the forgoing, Department of Public Information, see note 24, 315.

¹²² Department of Public Information, see note 24, 314.

before those of the people as a whole, Somalia will be unable to regain a normal existence or fully incorporate itself in the mainstream of today's world."¹²³

By the time UNOSOM II had departed, the acute phase of the emergency had been overcome. The health and nutritional status of the population had improved significantly. But the country still was a long way from being self sufficient in meeting the basic needs of its population. A return to widespread anarchy following the departure of UNOSOM II did not happen to the extent that had been feared and the security situation within large parts of the country remained stable enough to allow the continuation of relief activities by the UN and NGOs.¹²⁴

The termination of the UNOSOM II mission did not in any way mean that the UN or the NGOs had abandoned Somalia. But the situation remained fragile and the population until today vulnerable. In addition, the political instability had continued. In 1995 Aidid was named "Interim President", a claim that was disputed by the other factions. He was assassinated in July 1996 and succeeded by his son. Peace efforts culminated in 2000 and in August 2000 the country's first parliament was inaugurated but just in neighboring Djibouti. Under an agreed Charter the Parliament was to elect a President who in turn was to form a government. However, wrangling between Somalia's rival factions continues until today. And all agreements proved to be too fragile in the long run.¹²⁵

III. Assessment

Much can be learned from both the successes as well as the shortcomings of the United Nations efforts to achieve peace in Somalia.¹²⁶

¹²³ Doc. S/PV. 3447 of 4 November 1994.

¹²⁴ Cf. Report of the Secretary-General Doc. A/50/447 of 19 September 1995.

¹²⁵ My colleague Dr. M. Böckenförde will give an extensive overview of the developments after 1995 up to the present situation including the ongoing peace process in the next Volume of the Max Planck Yearbook of United Nations Law.

¹²⁶ The Security Council sent a mission of Inquiry pursuant to its resolution S/RES/885 (1993) of 16 November 1993. The Commission conducted its work from November 1993 until January 1994 and, thereafter, proposed recommendations. There were apart from this a variety of different undertakings in this respect later on, cf. *The Comprehensive Report on Lessons*

UNOSOM II had not succeeded in fully meeting its mandate. But undoubtedly the United Nations through its endeavor saved countless thousands of lives and started to curb the rampant violence. This success should not be underestimated. But it contrasts with the lack of tangible progress in national reconciliation and the fact that 154 peacekeepers lost their lives. The reasons why the United Nations did not succeed are manifold.

The moment the United Nations decided to get involved in Somalia thousands of people were dying daily. The seriousness and magnitude in humanitarian terms had not been noticed sufficiently before. Suddenly the media broadcast on Somalia and massive popular pressure was placed on national governments to respond to the crisis, which in turn led to the United Nations. It responded according to the euphoric optimism about the role of the United Nations, which had developed in the respective capitals of the world, that is to say, without having an integrated mission plan covering political, humanitarian and military aspects, which should all complement each other, particularly if an operation is deployed in a failed state. But there was no accurate information, e.g. is it a purely humanitarian problem or a deeply rooted societal conflict which causes the problems, who are the parties, what are their interests, who are their supporters. Moreover, it was never asked whether the involvement of the military in humanitarian assistance programs could be counter-productive to the long term humanitarian strategy. Aspects later on remarked by the UN itself.

Therefore, two fundamental aspects were missing from the beginning – time to think about an accurate mandate and information concerning the actual situation within the country. It was on the contrary believed at the beginning that it would be enough clearing the relief channels in order to avert mass starvation and to leave the country again. As a consequence, from the beginning, a clear and practicable mandate was missing. And the moment it was realized that the problem would not right itself, the mandates were changed several times in order to keep pace with the developments.

The mandates approved by the Security Council proved to be self-contradictory in some aspects. Imprecise and open to interpretation, as for example concerning the disarmament question. All this caused disagreements among troop-contributing countries, the Secretariat and the respective NGOs. Furthermore the civil conflict in Somalia was not the

Learned from United Nations Operation in Somalia (UNOSOM), April 1992-March 1995.

original concern of the international community, and subsequent efforts to deal with it in connection with the humanitarian efforts not only proved being difficult but were doomed to failure. A clearly defined goal manifested in a precise mandate from the very beginning would have provided the humanitarian organizations and military forces with a common single framework for their activities. And particularly in a case, like Somalia, where humanitarian, political and security goals were linked very soon, handled well they could have ensured the mission's success, handled poorly it constituted a vicious circle.

Further, a mandate requires the corresponding means to carry it out. UNITAF, had wide power and ample resources and handed over to UNOSOM II, which was given less authority but a much broader mandate, as well as fewer resources.¹²⁷ With UNOSOM II the United Nations had embarked on an operation which required troops that were not only highly trained, but equipped for all contingencies. But UNOSOM II proved that too many contributing states had not fully considered the consequences of involvement in enforcement action. It was composed of contingents from states which either had not the equipment required or were unwilling to provide it.¹²⁸ But if resources necessary for the implementation of a mandate are not available, the Council should revise its objectives accordingly.

But the success of a mission not only depends on a clear mandate and sufficient resources but also on the cooperation provided by the leading political forces within the country. This proved to be, from the beginning, an extreme difficult part. As outlined above, there were varying factions with shifting alliances and not even the main contenders could agree on the role the United Nations had to play. As Kofi Annan put it, "Peace can neither be coerced nor enforced. There must be a genuine desire for peace among the warring parties. Whether out of conviction or out of desire, *they* must want peace. No system can achieve it when leaders use negotiation not to end conflict but merely to prolong it to advantage."¹²⁹ There was neither a "desire for peace" among those factions nor was there unflagging support. The United Nations might have been dazzled when engaging in Somalia by their success in Cambodia, which provided a solid example of well timed and well turned intervention by the United Nations. But there it took two decades of careful negotiations in order to achieve peace and the United

¹²⁷ See Comprehensive Report, see note 126, paras 14, 90, 91.

¹²⁸ O'Neill/ Rees, see note 90, 131, 132.

¹²⁹ Annan, see note 35, 628.

Nations could build on a solid peace contract. All this was not given in Somalia. Here very soon the United Nations risked being taken as an adequate substitute for conflict resolution.

Furthermore, Somalia was a failed state. All relevant state institutions had broken down. Such states are plagued by multiple crises, which taken collectively constitute the above mentioned vicious circle. If entering such a country a strategy must be pursued which aims at concurrent progress in all relevant key areas. In Somalia, as in other cases, the police force e.g. cannot function without a functioning judicial system, which in turn cannot function without a secure environment. Disarmament and demobilization are unrealistic in the absence of economic opportunities. The moment the incoming actor just tries to rebuild one component he will fail. Only a simultaneous approach can create synergy effects.¹³⁰ All state relevant factors have to be rebuilt almost at the same time. A huge effort which again calls for a clear mandate with a stringent time frame and adequate funding.

As mentioned “National reconciliation” was from the very beginning an integral part of the mandate.¹³¹ But what was meant by this? S/RES/794 e.g. just termed “facilitating the process of political settlement under the auspices of the United Nations”; S/RES/814 encouraged the Secretary-General to assist the people of Somalia “in rehabilitating their political institutions and economy” and recognized for the first time the re-establishment of “local and regional administrative institutions”, S/RES/897 then was even more explicit as it mentioned next to assisting in the ongoing political process the reorganization of the police and judicial system. Therefore one could assume the United Nations were well aware of what they had to rebuild. But it took the United Nations actually until 1993 before they realized that they were successful only when they used the so-called “bottom-up approach.”¹³² This means a strong and consistent commitment to the local and regional level. And here another thing comes into play.

Somalia was and still is a society with a deeply rooted clan structure. It might have been much more useful to work together with the so-

¹³⁰ This is clearly outlined in the Comprehensive Report, see note 126. How difficult it is to rebuild relevant factors e.g. a functioning police force can be seen in Iraq. Here a recent U.S. report revealed that Iraq’s police force suffered from inadequate recruiting and screening of candidates, apparently even allowing some insurgents to join, *New York Times* of 26 July 2005.

¹³¹ See note 46.

¹³² Comprehensive Report, see note 126.

called clan elders and incorporate them intensively in the peace process, than to cooperate with the two main contenders. There did not exist anything like a the Loya Jirga¹³³ in Somalia, but the clan elders could have been incorporated in the process.¹³⁴ The two main contenders involved, had without any doubt, the actual authority but were too deeply involved and gained too many advantages from the ongoing conflict, to be really interested in ending the war and building up the country. Enduring results might have been possible if the United Nations had, from the start, perceived the above mentioned “bottom-up approach” and had started an intensive dialogue with the clan elders representing local authority. But leaving them aside (the only attempts made in this respect were the ones of the Special Representatives as mentioned above) meant that the United Nations never gained the trust of the society as such or its respective representatives.

Finally, it might be helpful if reconciliation processes are adhered as far as possible to national standards of conflict management. Conflict management and reconciliation as well as mediation are time-consuming processes in societies like the Somali one and are practiced with great skill. The United Nations with its “western” form of diplomacy did not realize that conferences and meetings held well under two weeks would not be successful. The visit of the mission of the Security Council in 1994 even lasted just one day, and ran counter to such traditional conflict management. “Quick fix” solutions like these are deemed to fail in such an environment. The United Nations administration did not really understand the nature of the problem and just adapted the western style of conflict resolution. But large scale, highly funded peace conferences in cases like this even threaten to corrupt the reconciliation process.¹³⁵ It is interesting to note in this respect that the *High-Panel on Threats, Challenges and Change* in its report from 2 December 2004 seems to tackle this deficiency when proposing a Peacebuilding Com-

¹³³ See in this respect E. Afsah/ A.H. Guhr, in this Volume.

¹³⁴ It is reported that clan elders even walked long distances to report to the Australian compound of UNITAF about weapons hidden in the country side, which they wanted to be destroyed. A clear sign that the local clan elders as such were willing to work towards a restoration for peace and in this respect co-operating with the international community, cf. Mersiades, see note 77, 216.

¹³⁵ The Comprehensive Report, see note 126, para. 36

mission as well as a Peacebuilding Support Office within the Secretariat, in order to assist the Security Council in aspects like this.¹³⁶

Times have changed a lot since the Somalia experience of the United Nations and with it the reaction of the international community, and a lot of the shortcomings mentioned above had later on be tackled by the Brahimi Report.¹³⁷ All of them still prove to be of relevance and will have to be observed should the United Nations get involved in Somalia again - something which is not impossible as on 7 March 2005 the Security Council stated that it would welcome an incrementally expanding role for the world body in the country.¹³⁸

¹³⁶ Doc. A/59/565 para. 261 et seq. This proposal was accepted by the Secretary-General in his Report *In Larger Freedom: Towards Development, Security and Human Rights for All* (Doc.A/59/2005 of 21 March 2005, 31), which will be discussed throughout the historic Summit in September 2005.

¹³⁷ *Report of the Panel on United Nations Peace Operations*, Doc. A/55/305-S/2000/809 of 21 August 2000.

¹³⁸ UN News Centre, UN News Service of 7 March 2005, "Security Council notes need to expand UN presence in Somalia".