

Rethinking the United Nations Humanitarian Intervention in Somalia

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The 1990s became the decade of humanitarian intervention. The United Nations (UN) has conducted successful and unsuccessful humanitarian interventions in different parts of the world to protect human rights and maintain international peace and security. The UN humanitarian intervention and humanitarian assistance aimed to provide the basic amenities to the conflict-affected people, rebuilding the government and political institutions in the conflict zones. The UN has used military force to conduct a humanitarian intervention in certain cases. Somalia experienced civil wars in the post-cold war period. The civil wars in Somalia destroyed the socio-political and economic conditions of the country and enhanced poverty, famine, and diseases. In addition, the civil war in Somalia breaches and violates the fundamental rights and rudimentary freedoms of the Somali people. Therefore, the United Nations recognised that it is the moral imperative of the UN to take specific measures to curb the civil war in Somalia and protect the rights of the Somali people. The United Nations Security Council has taken certain measures, including adopting resolution 751 in 1992 and establishing the United Nations Operation in Somalia (UNOSOM) to restore peace and stability in Somalia. Furthermore, the UNSC adopted resolution 794 to authorise the US-led multinational force to use all necessary means to protect the distribution of humanitarian assistance in Somalia. This article predominately examines the role and justification of the United Nations in conducting humanitarian intervention (military intervention) in the post-cold war era. This article mainly looks at the resolutions and measures taken by the UN Security Council to establish peace and protect Somali people's rights. This article is divided into four major parts; the first part will provide an introduction to the topic. The second part of the article looks at the UN and military intervention. The third part of this article examines the UN humanitarian intervention in Somalia; this part analyses the various resolutions and measures taken by the UN in solving the civil war in Somalia and assesses how far it was successful in preventing the crisis. The last part of this article concludes the findings of the study.

Keywords: Humanitarian Intervention, Internal conflicts, Human Rights, Military Intervention, Somalia

The post-cold war era witnessed an intensely divisive debate among scholars, policymakers, states, international organisations, and non-state actors on the subject of humanitarian intervention (Ridley NGWA, 2017). The term humanitarian intervention is defined “as coercive action by states involving the use of armed force in another state without the consent of its government, with or without

authorisation from the United Nations Security Council (UNSC), to prevent or put to a halt gross and massive violations of human rights or international humanitarian law” (Danish Institute of International Affairs, 1999). Similarly, Buchan A (2003) has described ‘Humanitarian intervention defined as the threat or use of force across the state borders by the state (or group of states) aimed at preventing or ending widespread and grave violations of fundamental human rights of individuals other than its citizen, without the permission of the state within whose territory force is applied. In 2000 the, humanitarian intervention was replaced by the ‘Responsibility to Protect’. The Responsibility to Protect (R2P) is an international norm that seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing, and crimes against humanity. The concept emerged in response to the failure of the international community to adequately respond to mass atrocities committed in Rwanda and former Yugoslavia during the 1990s. The international committee on Intervention and State Sovereignty developed the concept of R2P in 2001 (Global Centre for Responsibility to Protect, n.d.).

Post-1991, the United Nations (UN) has assumed an active role in authorising and prosecuting humanitarian interventions (Jones, 2015). The UN has recognised that the rise of armed conflicts and civil wars in different parts of the world challenge international peace and security, so it is the responsibility of the UN to establish mechanisms to control the civil wars and ensure the protection of civilians. The Liberalist school of thought explains when a nation or an organisation is conducting humanitarian interventions that establish peace and security, enhance cooperation, and protect and promote the rights and liberties of human beings. Liberalism argues that the UN and other member states were mainly focused on restoring peace and security in the conflict zones while conducting the humanitarian intervention. “One of the strands of liberalism discussing the validity of humanitarian intervention is contemporary liberal internationalism. Michael Walzer, a leading scholar of this strand, argues that military intervention can be justified as a last resort and a means to protect civilians from human rights violations, such as genocide and crimes against humanity. However, such intervention should not be undertaken unilaterally but rather multilaterally with the authorisation of the UN Security Council because liberal internationalists believe that multilateralism prevents great powers from pursuing national interests rather than humanitarian objectives in intervention² (Yoshida, 2013).

The other reasons behind the UN involvement in humanitarian intervention in the post-cold war period are a) when an internal conflict is more likely to pose a threat to international peace and security. b) Internal conflicts can involve the neighbouring states in various ways. They can send a large number of refugees streaming into neighbouring states. The territory of neighbouring states can be used as bases or sanctuaries for rebel groups or the shipment of arms, supplies, and money to rebel groups; cross-border military operations and interdiction campaigns often result. “In addition, neighboring states can become involved in internal conflict in more direct ways: they can intervene for legitimate national security reasons; they can intervene to protect ethnic brethren, and they can support insurrectionists or intervene militarily for purely opportunistic reasons. An internal conflict can also pose a threat to regional peace and security if its threats lead to violence elsewhere in the region. In short, an internal conflict is more likely to be seen as

posing a threat to international peace and security if it is not contained within the territory of the state from whence it sprang, i.e., if it has become a regional security problem” (JongeOudraat C.D, 2000).

In some circumstances, the United Nations uses military force in war zone places to protect and promote human rights and restore socio-political and economic conditions. The UNSC must confirm certain conditions to use military force effectively under Chapter VII of the Charter. None of the five permanent members of the council can oppose the use of force; any one of the five can veto a Security Council resolution authorising military action. The permanent members of the UNSC should understand the seriousness of the problem and unanimously take action to use military force to protect human rights and establish law and order in the conflict zones. The UNSC authorised military intervention in several cases in the post-cold war, including Kuwait (1990), Somalia (1992), Rwanda (1994), and Haiti (1994), and two others have been supported: Liberia (1990) and Northern Iraq (1991). The emergence of this new practice of UN-sponsored military intervention has generated debate among academia and political elites concerning the legitimate use of force, the arguments for and against an UN-standing army, and the conditions for success. Less attention has been directed to the question of why a variety of military interventions were initiated (Ramuhala, 2011). Therefore, the United Nations (World Organisation) started to engage in the humanitarian process. The UN humanitarian intervention especially focuses on preventing genocide, ethnic cleansing, war crimes, and crimes against humanity.

Due to its geographic location, Somalia drew superpowers' attention for much of the Cold War period. By March 1991, after the demise of the Cold War, Somalia again emerged central to post-Cold War interventions (Ramuhala, 2011). The UNSC - authorised military intervention in Somalia. It is because the situation was dire by the time Barre fled Mogadishu, in January 1991, and there was no national government in place (United States Institute of Peace, 1994). Furthermore, the UN identified that the people in Somalia struggled with nationwide starvation, famine and diseases, and political instability. Therefore, the UNSC adopted resolution 794 to protect rights and restore peace in the region. In landmark Resolution 794 (1992), the UNSC took its boldest stand so far when determining without reference to cross-frontier implications that the humanitarian disaster in Somalia brought about by civil war, disorder, and widespread violations of international humanitarian law constituted a threat to international peace (Danish Institute of International Affairs, 1999). The UN has done humanitarian intervention in Somalia with the support of the U.S and the UN-US military intervention in Somalia gained some achievements and failures.

United Nations and Military Intervention

Humanitarian intervention – that is, military intervention aimed at saving innocent people in other countries from massive violations of human rights (primarily the right to life) – entered public consciousness as never before in the twentieth century. It has earned a central place in scholarly research and the preoccupations of decision-makers and international organizations and has captured the imagination of the wider public in a fashion few other political subjects have achieved in the post-Cold War world. Ironically, it is in the limelight not due to its general acceptance but because of its controversial character, which has led to acrimonious debates

(Heraclides & Alexis, 2020). 'Promotion of human rights and humanitarian law, protection of individuals and groups' rights received greater consideration in the international system. In this regard, international organizations and states have gained more responsibility toward delivering humanitarian assistance, even though military means' (Lodico, 2001). The use of force and the military to some extent can prevent grave human rights violations such as genocide, war crimes, or crimes against humanity. Therefore, as military intervention, it must truly be humanitarian to be justified and aimed at stopping gross human rights violations (2001). Before going to implement military actions in conflicts zones the Security Council must understand the situation constitutes a threat to the peace, the primary factors include the size and intensity of the conflict, the extent to which the conflict is internationalised, and the violations of the purpose of the UN Charter, such as the severity of human rights violations (Szasz, 1983). Thus, it is up to the Security Council to decide on a case-by-case basis what it perceives as a threat and what type of action it will authorise (Lodico, 2001). Therefore, military intervention is the last resort by the UN Security Council for maintaining and restoring peace and stability in war zone places.

Certain conditions must be confirmed by the Security Council to use military force effectively under Chapter VII of the Charter, first, none of the five permanent members of the council can oppose the use of force; any one of the five can veto a Security Council resolution authorising military action. Second, if military force is to be used effectively, the Security Council must identify and enunciate a clear and consistent political objective. "The lack of efficiency of diplomatic mediation and economic sanctions in wars of the third kind often makes military intervention necessary if the concomitant humanitarian disasters are to be addressed. A military intervention designed to minimise risk to the military personnel of intervening powers can be hard to conduct effectively without inflicting damage on civilians". In addition, a military force must possess the requisite readiness, sustainability, and modernisation to respond to the immediate humanitarian problems to achieve long-term results (Hanlon, 1997).

More specifically, military tasks in the humanitarian sphere include controlling violence by bringing down the levels of violence between organised military formations, providing protection for the relief efforts as well as supporting the work of civilian humanitarian agencies by organizing transportation and technical help. The security-related tasks can also involve demining and demobilisation (Minear & Guillot, 1996). Another set of tasks carried out by the military is providing direct assistance to those in need, which is often the area of greatest competition between military and civilian actors. Such activities are often perceived by aid agencies as evidence of the militarisation of humanitarianism. They put into question the competencies of the military to carry out direct-assistance tasks. First of all, military units and humanitarian organisations should participate in joint pre-missions to ensure greater cooperation in the field. Such training and education can break down mutual misunderstanding and mistrust so that United Nations Civil-Military Coordination (CIMIC) depending on the circumstances can be both a force multiplier for the military and an aid-delivery actor for the humanitarian community. What is more, the exchange of reciprocal knowledge can also help to bridge the cultural gap between "the military's formal vertical organisation and logistics-based approach

to problem-solving and the less formal, horizontal organisation and pragmatic approach to problem-solving of NGOs/IOs” (Mockaitis, 2004).

Second, a military intervention force must be prepared to conduct police tasks until a working civil police can be established. The lack of ability to carry out such functions in the first months of the Kosovo mission invited lawlessness and revenge. Third, the time of duty for military troops should be standardised at no less than 6 months and should overlap to allow the replacement unit to learn from the previous one about the local situation. Fourth, as the NGOs/IOs frequently complain that military units ask them to share information but are unwilling to share information with the humanitarians, military units should re-evaluate their rules for classifying information and reproach armed forces with little cost-effectiveness (Gourlay, 2000). Furthermore, once a military force has successfully intervened and succeeded in rescuing the population, the more time-consuming and frustrating, and maybe even more dangerous, part of the intervention needs to take place – restoring structures of rule of law and sustainable peace (Lodico, 2001).

United Nations and Humanitarian Intervention in Somalia

Although Somalia is culturally cohesive, colonisation fragmented the Somali people, dividing Somalis among British Somaliland, Italian Somaliland, Ethiopian Somaliland, and the Northern Frontier District of British Kenya. The present State of Somalia resulted from the decolonisation of the former British Somaliland Protectorate and Italian Somaliland in 1960, which united to form the Somali Republic (Crawford Susan M, 1993). The modern origins of the Somali crisis may be traced to the collapse of the state following the fall of President Siad Barre in 1991 (Cilliers et. al,2010) When Somali dictator Mohammed Siad Barre was overthrown in a military coup staged by a coalition of opposition war lords. The two most powerful warlords – Cali Mahdi Maxamed and Muhammed Farah Aidid, soon began fighting among themselves (Britannica.com). The UN imperative, legitimising its involvement in internal civil strife, evolved as an extension of the duty to preserve international security. The turning point came in the aftermath of the Persian Gulf War when the UN Security Council adopted Resolution 688 in 1991. Having to contend with immense flows of Kurdish refugees from northern Iraq into Turkey and Iran, as well as callous military assaults against Shiites in southern Iraq, the council acted summarily. It was then declared, for the first time, that a member government’s repression of its people, resulting in urgent humanitarian needs, constituted a threat to international peace and security (Ramuhala, 2011).

The United Nations estimated that out of a total population of 8 million, 4.5 million people were at risk, including 1 million children. Efforts by the United Nations to help the parties to negotiate a cease-fire and reconcile were unsuccessful. ‘The UN mission in Somalia intended to provide humanitarian help and facilitate the end of hostilities in Somalia. The UN has implemented humanitarian assistance in Somalia with the close cooperation of the Organisation of African Unity, and the Organisation of Islamic Cooperation. In addition, the specialised agencies of the United Nations such as the Food and Agriculture Organisation, United Nations Development Programme, United Nations Children’s Fund, United Nations Higher Commission for Refugees, and World Food Programme were also supported by the UN to provide humanitarian assistance in Somalia. The United Nations recognised that the political and security situation of Somalia is complex. So, on 23 January 1992, the UN

Security Council declared a resolution 733 that emphasised that “all parties to the conflict cease hostilities and decided that all States should immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia”. The interim president Ali Mahdi and General Aidid signed an “Agreement on the Implementation of a Ceasefire” with the United Nations on 3 March 1992 to restore peace and stability in the country.

Later on, 24 April 1992, the United Nations Security Council adopted resolution 751 which established a United Nations Operation in Somalia (UNOSOM). In this resolution (751), the Security Council “requested the Secretary-General to immediately deploy 50 observers to monitor the ceasefire in Mogadishu”. The Council authorised the collective action for the express purpose “to establish . . . a secure environment for humanitarian relief operations in Somalia” after expressly finding that “the magnitude of human tragedy caused by the conflict in Somalia . . . constitutes a threat to international peace and security” (Crawford Susan M, 1993). The main purpose of UNOSOM was to monitor the cease-fire agreement and to monitor the weapons embargo in Somalia at the time. This operation was intended as a ‘classic peacekeeping operation’, based on the consent of the parties and the use of force in self-defence only. The Security Council authorised UNOSOM I “to monitor the ceasefire in the capital, to provide security to aid convoys, and to guard the food depots.” Most peacekeepers were Pakistani troops, and the Security Council had to wait several months for their deployment, ultimately finding them ill-equipped to carry out the mission. Furthermore, although the Security Council expanded UNOSOM I to protect humanitarian convoys and distribution centers through Resolution 775 (1992), their mandate was so unclear that UNOSOM I became disorganised and could not contain the violence (Edyta, 2013). Furthermore, the UN-appointed Mr. Mohammed Sahnoun of Algeria as a Special Representative on 28 April 1992 to understand the situation in the country. Along with it, the UN has implemented a ‘90-day plan of Action for Emergency Humanitarian Assistance to Somalia’. This action program included the recovery program, institutional building, and providing humanitarian assistance to the affected population. The United Nations implemented the 100 Day Action Programme for Accelerated Humanitarian Assistance contains eight main objectives including –”Massive infusion of food aid, aggressive expansion of supplementary feeding, provision of basic health services and mass measles immunisation campaign, urgent provision of clean water, sanitation and hygiene, provision of shelter materials simultaneous delivering of seeds, tools and animal vaccine with food rations, prevention of further refugee outflows and promoting refugee programs, building institutions, and civil society rehabilitation and recovery” (UN Peacekeeping, n.d.). However, in resolution 767 the Security Council stated that in the absence of cooperation from all the factions involved in the conflict, it would not exclude ‘other measures’ to deliver humanitarian assistance. Resolution 767 also highlighted the continued fighting in the country, even with the cease-fire in place. It also reported on an alarming concern regarding the availability of arms and ammunition in the hands of civilians and the proliferation of armed banditry across Somalia’ (Montero, 2019). The UNOSOM did not have sufficient resources to safeguard the delivery of food and other humanitarian aid. Looting and banditry went hand in hand with increased starvation and disease. In the interior, famine intensified as the civil war continued. By November 1992 up to half a million Somalis had perished from war, famine, and

disease. The town of Baidoa had lost 40 per cent of its population, and 70 per cent of the children under five.

The UN Security Council authorised the permission to use military actions to prevent conflicts and restore the socio-political conditions. In the United Nations mission in Somalia in December 1992, the UN adopted a resolution 794 to authorise the US-led multinational force to use all necessary means to protect the distribution of humanitarian assistance in Somalia (Virk, 2013). In the United States and other nations, public distress with the situation mounted, and after careful planning and discussions, in December president George Bush announced the initiation of Operation Restore Hope' (United States Institute of Peace, 1994). In March 1993, after the successful U.S led intervention to secure humanitarian assistance, the Security Council authorised in resolution 814 the transfer of command from the United States to the United Nations. This represents the first peace enforcement carried out under the United Nations had little equipment and no troops of its own.

At the same time, however, the United States began the withdrawal of its soldiers and resources, except for a small quick reaction force, for a targeted May 1 deadline. After Somalia clans viciously attacked U.N. troops in June, the Security Council retaliated with resolution 837, which called inter alia for the "arrest and detention for prosecution, trial and punishment" of "those responsible for the armed attacks." This expansion of the U.N. Mandate now comprised the hunting down of General Aideed. On August 8, 1993, the United States suffered its first loss by the detonation of one its military police patrol unit of four. The United States subsequently deployed a special force unit. Although this force captured some of Aideed's aides, its operations were tragically terminated with the loss of eighteen men on October 3, 1993 (Ludico, 2001). The military killed many civilians then the UN called back military force. The United States withdrew the last of its troops from Somalia in March 1994, and the UN operation was shut down in March 1995.

"The bottom line of achievement in Somalia, particularly apparent during the Unified Task Force (UNITAF) period, was the dramatic success in stopping the horrific ravages of famine. There is no doubt that much grave humanitarian disaster was averted. In 1992, the death rate in the central city of Baidoa had been more than 300 a day. However, the improved security situation has enabled the NGO to reduce the death rate dramatically there and elsewhere and get on track for restoring agricultural and other resources to help the Somalis begin to feed themselves" (United States Institute of Peace, 1994). The drawbacks of the UN intervention in Somalia include the United Nations was slow in making appointments, it did not appoint very qualified people, its decision-making process was often cumbersome (especially compared with the US Marines), and it made some extremely poor decisions, as when it delayed helping recreate Somali police force because it preferred to have a government in place first (Clarke and Jeffrey, 1996). 'Although the mission in Somalia was technically successful because several Aydid associates were apprehended, it was widely perceived as a failed operation because of the high cost of human lives.

Conclusion

The following 1990s became the decade of humanitarian intervention. With the break-up of various Cold War state structures, one of the main problems became

that of intrastate conflict, civil war, and internal violence perpetrated on a massive scale. The number of interventions authorised by the UN Security Council increased dramatically, and it became clear that state sovereignty and non-intervention principles were far from inviolable (Kwiatkowska, 2014). The post-cold war recognised the rise of civil wars and armed conflicts, which violate and breach the fundamental rights of human beings and pose a threat to international peace and security. Therefore, it is the moral imperative and responsibility of the United Nations to protect and promote the rights of human beings and maintain international peace and security. The UN humanitarian assistance includes providing food, clothes, medicines, and other necessary support to restore the social, political (law and order), and economic conditions of war zone places.

The UN Security Council authorised military intervention in several cases for humanitarian intervention. In the context of Somalia, the UN Security Council approved military intervention to bring back the situation to normal. Although the military intervention in Somalia saved lives, its achievements diminished as the United States and the United Nations sought to eradicate the underlying reasons for the intervention without sufficient coordination and resources. Even though the motivation for the intervention emerged from essentially moral and humanitarian imperatives (that is, to prevent further starvation and save lives), the mission became increasingly complex as it sought to enforce peace and coordinate with a multinational U.N. force. Unfortunately, when Somali clan forces murdered American soldiers, a terrible scar remained that influenced the criteria for future humanitarian interventions, particularly for interventions in Africa (Lodico, 2001). By judging the humanitarian and political crisis as a threat to international peace and security, the Security Council could invoke the right of enforcement but did not consider this argument to establish a rationale for action outside Somalia. Consequently, it can be argued that this case was not intended to set up broad legitimacy for military interference, and the arguments were limited to Somalia. Such a stance was espoused short of any endeavour to engage broader issues by making internal violence or consequence components of the international agenda. The uniqueness of this case, they hoped, should not set precedence and should not shape expectations in the future. Whilst Somalia remains a bitter pill to swallow within US and international community circles (Ramuhala, 2011). This arduous mission brought much critical UN administrative weakness to the surface, and the UN forces were unable to recover from the precipitous American withdrawal (Clarke & Jeffrey, 1996).

The United Nations faces certain obstacles while doing a humanitarian intervention. The most severe constraint before the UN is the power politics and rivalry among the big powers or the P5 members. To some extent, the P5 countries are using the UN as a tool to access their national interests. When superpowers are using the UN as a tool to achieve their national interest, on the other side, the value of humanitarian intervention will diminish. Lack of trained troops, adequate resources, and finance are the other challenges affecting UN humanitarian intervention in post-cold wartime. In conclusion, every national government must formulate legislative, administrative, and judicial mechanisms that would abolish civil wars and ensure the protection of their civilians. To do better, the United Nations and member states need a much clearer idea of what humanitarian intervention entails and how they are going to achieve their goals. Achieving

international agreements on the appropriate methods and force structures to accomplish meaningful humanitarian intervention will be difficult, but the payoff could save countless lives.

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