

HARBINGER OF A NEW WORLD ORDER?
HUMANITARIAN INTERVENTION IN SOMALIA

by

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ABSTRACT

This paper examines the relationship between humanitarian intervention and the evolution of international society using as a principle case study, the 1992 intervention in Somalia. Martin Wight's three traditions of international relations—realist, rationalist and revolutionist—are used to develop three models of international society reflecting different degrees of human solidarity. These three models are discussed, in Chapter One, in the historical context of the Cold War debate on the legality and practice of humanitarian intervention. The argument demonstrates that prior to Somalia there were few, if any, instances of what could properly be called humanitarian intervention. The study finds that in most cases, various geo-strategic and economic motives undermine the purportedly humanitarian character of the intervention. Chapter One concludes by introducing the post-Cold War revival of the concept of humanitarian intervention, noting the heightened sense of optimism that prevailed.

Chapter Two begins by reviewing the practical embodiment of the post-Cold War activism in three specific cases: Liberia, Iraq and the former Yugoslavia. These cases set the stage for a more detailed investigation of the collapse of the Somali state and the humanitarian intervention that resulted. The final chapter returns to the subjects of humanitarian intervention and the evolution of international society, noting the following observations: the decreased importance of geo-strategic and economic interventions as motivations for intervention; the increased importance of domestic and media factors in the determination of when and where interventions take place; the emergence of a new legal norm that permits United Nations-sanctioned intervention in situations where no government exists; and the emergence of two general criteria for humanitarian intervention: gross violations of human rights and the prospect of only minimal resistance to outside intervention.

The paper concludes that while significant evolution has occurred at the level of legal norms, the inability of the international community to respond effectively to the break-down of states threatens to undermine international support for humanitarian intervention.

TABLE OF CONTENTS:

Abstract		ii
Table of Contents		iii
INTRODUCTION		1
Chapter One	International Society and Humanitarian Intervention During the Cold War	7
	Martin Wight's Three Traditions of International Theory	8
	The Revolutionist Argument: The Morality of Human Rights	10
	The Realist Critique: The Politics of Humanitarian Intervention	14
	The Rationalist Compromise: Pluralism and Solidarism	22
	Into the New World Order	25
	Conclusion	31
Chapter Two	Post-Cold War Humanitarian Intervention in Somalia	32
	Post-Cold War Humanitarianism	32
	Failure of the Somali State and Humanitarian Intervention	40
	Traditional Somalia: Pastoral Democracy	40
	Colonialism	42
	Siad Barre's Legacy	43
	Somalia's Civil War	51
	International and United Nations Response	54
	The United States' Role	57
	From UNITAF to UNOSOM II	60
	Conclusion	63
Chapter Three	Somalia: Harbinger of a New World Order?	64
	Post-Cold War Humanitarian Intervention	64
	Absence of Cold War Rivalry	64
	Post-Cold War Motives	69
	Unusual Public Interest	75
	Minimal Prospects of Retaliation	76
	Implications for International Society	79
	Revolutionism: The New Interventionism	79
	The New Non-Interventionism	81
	The Realist Anarchy	81
	Rationalist Compromise	82
Conclusion		85
Bibliography		86

Introduction

Somalia's slow slide into anarchy began many years ago; the January 1991 ouster of President Mohammed Siad Barre simply removed the final restraints. Prior to Barre's flight, the opposition subsumed their separate interests to the task of ending the more than two decades of authoritarian rule. No sooner had Barre fled to Ethiopia than the opposition fragmented. Ali Mahdi Mohamed had himself unilaterally declared the next President, infuriating his United Somali Congress ally, and also a Presidential-hopeful, General Mohammed Farah Aideed. At its roots a crude struggle for power between two equally dubious proponents of democracy, the ferocity of the ensuing battle led to the evacuation of most international aid agency personnel and diplomatic representatives. Somalia then slowly faded from international attention.

The crisis, however, continued. In his 5 February 1992 testimony, United States Assistant Secretary for African Affairs, Herman Cohen, estimated that as many as 6,000 people had died and a further 15,000 had been wounded in Mogadishu alone after two and a half months of renewed fighting between Ali Mahdi and Aideed.¹ Moreover, Cohen reported that "some estimates are that 90 percent of casualties are non-combatants and that, of these, 75 percent are children." Andrew Natsios, Assistant Administrator of the United States Agency for International Development, described Somalia as "the most acute humanitarian tragedy in the world today."² Yet nothing happened. As one United States government official put it, "Somalia has ceased to exist. And right now, nobody cares."³ The transformation of Somalia from Cold War detritus to post-Cold War 'nation-building' paradigm is the central focus of this paper.

Suddenly, in December, somebody seemed to care. Asserting the overriding need to "save thousands," U.S. President George Bush went to great lengths to emphasize that "military support is necessary to ensure the safe delivery of the food Somalis need to survive. "And let me be clear," he said, pressing home his point, "Our mission is humanitarian."⁴ In the same address, he also

¹ United States. Senate. Subcommittee on African Affairs of the Committee on Foreign Relations. *Emergency Situation in Zaire and Somalia*. 102 Cong., 2nd Session. 5 February 1992. Washington: GPO, 1992, p. 2

² Cited in, "Help Needed For Forsaken Somalia." Editorial. *New York Times* 9 February 1992, Section IV, p. 16

³ Cited in Keith Richburg, "Peace Effort in Somalia Meets Initial Failure," *Washington Post*, 4 January 1992, p. A18

⁴ "Transcript of President's Address on Somalia," *New York Times*: 5 December 1992

sent a message of reassurance to the people of Somalia: "We do not plan to dictate political outcomes." Indeed, it soon became apparent that the United States could not leave Somalia fast enough. By early March, U.S. Special Envoy to Somalia, Robert Oakley, was declaring the United States-led mission a success, having accomplished three objectives: creating "a secure environment for the delivery of food and relief supplies; establishing "a level of disarmament to bring relative peace to the villages and cities of Somalia;" and, his greatest success, "reducing the power of the warlords [sic] and bring[ing] into the peace negotiations everyone from elders to intellectuals to women." He reasserted that "the U.S. mission was not to rebuild [the Somali] political system."⁵

The Clinton administration and United Nations Secretary Boutros Boutros Ghali, however, seemed to have other, more ambitious plans. Boutros Ghali declared that the second United Nation's Operation in Somalia (UNOSOM II) "would be an expression of the international community's determination not to remain a silent spectator to the sufferings of an entire people for no fault of their own."⁶ Describing UNOSOM II as a "peace-enforcement mission with teeth," Clinton's Under Secretary of State for Political Affairs, Peter Tarnoff, declared "In a world rife with humanitarian crises caused by armed conflict, the authorization of such a force is a landmark accomplishment which it is in our interest to cultivate. UNOSOM is a model worth promoting."⁷ Tarnoff went so far as to describe this model as "nation building."⁸

Just two months later, however, Senator Jesse Helms bitterly stated:

all of us should have heard the firebell ringing when we convened this committee in July, but we did not. We were bound to be aware that the Security Council's resolution authorizing UNOSOM II is impossibly broad and dangerously vague... Its scope includes 'building a nation,' whatever that means in practical terms. It envisions the reconciliation of people who have been engaged in furious wars against each other for centuries. It specifies the disarming of a population that has been in chaos for at least 2 years, and it proposes to create a viable judicial and law enforcement system out of thin air. The problem with your colorful endorsement of UNOSOM II on July 29..., Mr. Tarnoff, is that UNOSOM II was already then beginning to unravel.⁹

⁵ Cited in Donatella Lorch, "U.S. Envoy to Somalia Says Mission is a Success," *New York Times*, 3 March 1993, p. A4

⁶ United Nations Document S/25354, "Report of the Secretary General," (3 March 1993) p. 22.

⁷ Statement of Peter Tarnoff, Senate Foreign Relations Committee Hearing, *U.S. Policy in Somalia*, 29 July 1993, 103rd Congress, 1st Session, (Washington, D.C.: U.S. GPO, 1994) p. 4.

⁸ Peter Tarnoff, *U.S. Policy in Somalia*, p. 4.

⁹ Jesse Helms, Senate Foreign Relations Committee Hearing, *U.S. Participation in Somalia Peacekeeping*, 19 and 20 October 1993, 103rd Congress, 1st Session, (Washington, D.C.: U.S. GPO, 1994) p. 2.

Following the deaths of twenty-three Pakistani peace-keepers on 5 June 1993, the humanitarian operation to "save thousands" had become a war between the United Nations and Mohammed Farah Aideed. Branded a "criminal," posters were circulated offering a twenty-five thousand dollar reward for Aideed's capture. An elite unit of U.S. Rangers was brought in to expedite Aideed's arrest, but itself suffered 12 deaths and 78 wounded on October 3rd when two helicopters were shot down. Quickly, images of starving, helpless Somalis were replaced by pictures of defiant Somalis dragging through the streets of Mogadishu the naked body of a slain U.S. Ranger. In the United States, Congressional and public opinion swung against continued U.S. presence in Somalia. "The people who are dragging American bodies don't look very hungry to the people of Texas," said Senator Phil Gramm of Texas.¹⁰ After narrowly defeating a Congressional motion to immediately withdraw U.S. troops, President Clinton managed to extend the U.S. presence to 31 March 1994. Sixteen months after the initial humanitarian mission, the United States was trying to come to terms with what went wrong. The words of U.S. Lieutenant Colonel Raoul Archambault, just prior to his 31 March 1994 evacuation, speak volumes:

I wish we could have accomplished more... We somehow managed to elevate Aidid, Morgan and Jess from the level of criminals to the level of statesmen. We're dealing with a group of gangsters, if you want; the bottom line is that they're thugs... It wouldn't supise [sic] me if you had total anarchy here before Christmas.¹¹

Lieutenant Colonel Archambault articulated a question on the lips of many people: What happened?

The answer to this question, as the title of this essay suggests, requires integrating three levels of analysis. At one level, Somalia was an instance of humanitarian intervention, that is, an example of a non-consensual use of force by an outside actor to remedy gross violations of human rights—especially the right to life—within a sovereign state. But the international community's actions in Somalia represented a new phase in the conceptual and practical evolution of humanitarian intervention. Somalia became the crucible in which the act of intervention became only one stage in a much more ambitious project of conflict resolution overseen by the United Nations. Initially outlined in Boutros Boutros Ghali's *Agenda for Peace*, this mechanism consisted of a continuum of options ranging from preventative diplomacy through peace-keeping

¹⁰ Cited in Clifford Kraus, "White House Tries to Calm Congress," *New York Times*, 6 October 1993, p. A16

¹¹ Cited in Donatella Lorch, "American Troops Count Hours to End of Mission in Somalia," *New York Times*, 28 February 1994, p. A3.

and into two new options: peace-enforcement, in which the United Nations would enforce cease-fire agreements; and post-conflict peace-building, involving steps aimed at assisting the rebuilding of a strife-torn nation. In this continuum, humanitarian intervention in Somalia was used as a tool to secure the delivery of humanitarian relief and facilitate political reconciliation. In order to understand the precedents and failures of the international community's experience in Somalia, it must be understood within the tradition of past 'humanitarian' interventions *and* within the context of the expanded conflict resolution mechanism. The expanded objectives of humanitarian intervention themselves suggest a second level of analysis: the evolution of post-Cold War international society to greater degrees of human solidarity. Speaking during the Persian Gulf crisis, U.S. President George Bush evoked images of the optimism following the end of the two World Wars: "We stand today at a unique and extraordinary moment. The crisis in the Persian Gulf, as grave as it is, also offers a rare opportunity to move toward a historic period of cooperation. Out of these troubled times...a new world order can emerge; a new era – freer from the threat of terror, stronger in the pursuit of justice, and more secure in the quest for peace..."¹² The civil war in Somalia became the proving ground for the existence of a 'new world order.' But there is a third level of analysis, often forgotten amidst the hubris of U.N. humanitarian intervention and new world orders: the reality of Somalia's civil war. Many of the reasons for the 'failure' of the Somalia intervention can be traced back to a simple lack of understanding to the dynamics and the history underlying the Somali civil war. Accordingly, considerable attention will be devoted to understanding Somalia as a case study of a "failed state."

Linking the three levels of analysis is this paper's thesis: the degree of human solidarity in international society can be related to the effectiveness of humanitarian intervention, an effectiveness which itself depends on how well the international community understands the conflict which it seeks to resolve. Two hypotheses are therefore proposed:

- (i) if the international community understands the reasons for the collapse of a state, and if it intervenes in a timely and effective manner, then that is evidence of international society's evolution towards greater solidarity; but

¹² "Towards a New World Order," address by President George Bush before a joint session of the Congress, Washington, D.C., September 11, 1990, Department of State Current Policy No. 1298

(ii) if the reasons for the state's collapse are misunderstood and if the intervention is neither timely nor effective, then there is reason to be skeptical of the degree of solidarity in international society.

This essay argues that while some significant legal and theoretical evidence indicates a greater degree of human solidarity, the majority of the practical lessons from Somalia support the second conclusion.

In an essay that seeks to integrate these three levels of analysis, the conceptual framework employed requires careful elaboration. Accordingly, the first chapter will lay the conceptual groundwork necessary for understanding the lessons learned from the Somalia intervention. Chapter One begins by outlining Martin Wight's three models of international society, each of which correspond to a different level of human solidarity: the realist, rationalist and revolutionist models. Derived from these models are three perspectives on the issue of humanitarian intervention: the revolutionists' endorsement of humanitarian intervention as a demonstration of the moral solidarity of humanity; the skepticism of realists who regard such interventions as motivated by selfish considerations; and finally, the rationalists, who endeavor to chart a middle course between skepticism and altruism. Chapter One will then review the Cold War arguments and case studies to provide a historical context for understanding the significance of the Somalia intervention. Finally, this first chapter will examine the ambitious agenda for humanitarian intervention in the post-Cold War world.

Chapter Two, while focusing on Somalia itself, will be divided into two sections. First, in order to evaluate the precedential value of the intervention in Somalia, brief consideration will be given to three post-Cold War interventions *prior* to Somalia. Accordingly, international action in Liberia in 1990, in northern Iraq in 1991, and in the former-Yugoslavia will be reviewed. Due to the constraints of space, discussion of these cases will concentrate on U.N. Security Council resolutions. As the discussion moves into the Somalia intervention, these resolutions will demonstrate the evolution away from the requirement of consent prior to the deployment of outside forces. The second part of Chapter Two will focus entirely on the collapse of the Somali state. Such a concentration is warranted for two reasons: first, the international community consciously chose Somalia as a crisis in which to test its new theory's of reconstructing failed states; and second, the complexities of the Somali civil war indicate very clearly the limits of outsiders to

resolve civil wars. Accordingly, the second part of Chapter Two will be comprised of six historical sections: the nature of traditional Somali society; the impact of colonialism; the legacy of President Siad Barre; the civil war; the initial international response; and finally, the period of the U.S.-led UNITAF intervention to the UNOSOM II mission.

These two chapters set the stage for the third chapter which analyzes the normative and precedential value of the Somalia intervention. While Chapter Three will concentrate on Somalia as in terms of its importance relative to prior interventions, the chapter *will* include references to more current interventions such as occurring in Rwanda and Haiti. From these lessons, the discussion broadens its focus to the theoretical level of the development of international society. Here the paper returns to the Martin Wight's three traditions to ascertain the extent of international society's development since the end of the Cold War.

Chapter 1

Martin Wight's Visions of International Society

For Martin Wight, just as every political philosophy required a theory of human nature, so too did international theory require a theory of international society. Thus, to the question 'what is human nature?' Wight posed its international relations corollary: 'What is the nature of international society?'¹³ Based on historical answers to this question, Wight identified three traditions of international theory: realism, rationalism and revolutionism. Each tradition can also be said to emphasize one of the three theoretical components of humanitarian intervention: morality, law and politics. Thus revolutionists emphasize morality; the rationalists, international law; and the realists, politics. From this emphasis it becomes clear that revolutionists are generally supportive of the use of force as a sanction against human rights violations, that rationalists advocate the principle of non-intervention, while sometimes making an exception to this rule and that realists are fairly ambivalent about the concept, supporting it if such interventions advance the 'national interest' of the intervening state, all the while clear that it is this element of self-interest and not altruism that motivates the intervention.

Openly acknowledging the dangers of reification, Wight asserts that he is merely attempting "to pin down and define the *central* principles and *characteristic* doctrines of each of the three traditions."¹⁴ For Wight, "classification becomes valuable... only at the point where it breaks down."¹⁵ After his initial exposition of the three traditions, Wight's own system of classification rapidly becomes more sophisticated. In fact, as this essay demonstrates, the three traditions quickly result in five positions on the subject of humanitarian intervention. During the Cold War, however, the humanitarian intervention debate became as polarized as the relationship between the two superpowers. The danger of a general nuclear conflagration erupting out of a local conflict made intervention, for any purpose, a perilous proposition. The effect of this era of fear was to impose both intellectual and practical straightjackets on the humanitarian intervention debate: either

¹³ Martin Wight, "Western Values in International Relations," *Diplomatic Investigations: Essays in the Theory of International Relations*, eds. Herbert Butterfield and Martin Wight (London: Allen and Unwin Ltd., 1966) p. 92.

¹⁴ Martin Wight, *International Theory*, p. 258 (emphasis in original).

¹⁵ Martin Wight, *International Theory*, p. 259.

one advocated humanitarian intervention, like the revolutionists, or one stood fast on a non-interventionist position.

In the interests of clarity, however, this chapter will begin by introducing the three traditions as Martin Wight himself presented them. From there the nuances of the rationalist and revolutionist perspectives will be developed, attempting to preserve Wight's emphasis on the "*central principles and characteristic doctrines*" of even these refinements. Accordingly, the realist position may seem to get short shrift in this chapter. While this may be true, it follows from the fact that in the humanitarian intervention debate, its central principle has been to maintain skepticism about the motives of the intervening state and, as such is the case, is more appropriately discussed in the following chapter.

Martin Wight and International Society

Realists conclude that the nature of international society is characterized by anarchy. They describe international relations as taking place between "a multiplicity of sovereign states acknowledging no political superior, whose relations are ultimately regulated by warfare."¹⁶ Given this anarchy, realists create a sharp distinction between the role of morality in the domestic and international realms.¹⁷ Because the fundamental objective of states in international relations involves the pursuit of power that moral considerations cannot be included in foreign policy: in Hans Morgenthau's words, "universal moral principles cannot be applied to the actions of states."¹⁸ George Kennan explains Morgenthau's premise:

Government is an agent, not a principal. Its primary obligation is to the *interests* of the national society it represents... [which] are basically those of its military security, the integrity of its political life and the well-being of its people. These needs have no moral quality.¹⁹

For Kennan, the pursuit of national interest by a government is a *representative* act and thus distinguished from individual morality and individual action. Another realist reason for skepticism of the role of morality in international relations can be found in the works of E.H. Carr. He states that, "supposedly absolute and universal principles... [are simply] the unconscious reflections of

¹⁶ Martin Wight, *International Theory*, p. 7.

¹⁷ Martin Wight, *International Theory*, p.17.

¹⁸ Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 2nd. Ed. (New York: Alfred A. Knopf, 1954) p. 9.

¹⁹ George F. Kennan, "Morality and Foreign Policy," *Foreign Affairs* 64 (Winter 1985-86) p. 206.

national policy based on a particular interpretation of national interest at a particular time."²⁰ Any attempt to propound a universally valid morality, according to Carr, will simply be a projection of one's own values. More cynically, Nicholas Spykman has written, "The search for power is not made for the achievement of moral values; moral values are used to facilitate the attainment of power."²¹ Yet, whether they view morality as inapplicable to international relations, as interests in disguise or as a tool to advance the national interest, realists are united in their suspicion of states acting for altruistic purposes.

At the opposite end of Wight's spectrum of international theory lies the revolutionist tradition. Contrary to the realist emphasis on the sovereign state as the fundamental unit of international relations, revolutionists argue that "the society of states is the *unreal* thing—a complex of legal fictions and obsolescent diplomatic forms which conceals, obstructs and oppresses the *real* society of individual women and men, the *civitas maxima*."²² The primacy of the individual animates revolutionists' demands that international relations be "assimilated" to the condition of domestic society. Wight envisioned three paths for this assimilation could take: *cosmopolitanism*, in which the common bonds of humanity are gradually strengthened and the need for sovereign states disappears; *doctrinal uniformity*, in which a single mode of domestic governance becomes accepted by all states; and finally, *doctrinal imperialism*, in which a single mode of governance is imposed on all states.²³ How one decided to achieve this assimilation created another distinction amongst revolutionists, with 'soft' revolutionaries favouring "yearning and talk" whilst 'hard' revolutionaries advocate "violence" to achieve their ends.²⁴ From this catalogue of distinctions, proponents of humanitarian intervention can be said to share the ethos of cosmopolitanism, yet draw different conclusions from it. Some, such as Fernando Tesón for example, seem to slide into doctrinal imperialism in their advocacy of intervention. 'Softer' cosmopolitans such as Richard Falk, however, seem to verge on quietism in their rejection of the use of force. In addition, in terms of ends, some cosmopolitanists foresee the United Nations replacing a system of sovereign

²⁰ E.H. Carr, *The Twenty Years' Crisis, 1919-1939* (London: Macmillan Co. Ltd., 1939), p. 87.

²¹ Nicholas J. Spykman, *America's Strategy in World Politics: The United States and the Balance of Power* (New York: Harcourt, Brace, 1942) p. 18.

²² Martin Wight, "Western Values," p. 93.

²³ Martin Wight, *International Theory*, pp. 41-48.

²⁴ Martin Wight, *International Theory*, p. 45.

states. Others, such as international non-governmental organizations (NGOs), emphasize human solidarity at the individual level and reject the idea of a United Nations capable of taking on the role of world government. While the Cold War debate on humanitarian intervention became one between realists and revolutionists of Tesón's type, the post-Cold War era has seen the emergence of these other types of cosmopolitanism.

The Cold War also marginalized Martin Wight's third tradition, rationalism.²⁵ Rejecting both the realist depiction of international relations as taking place in a state of anarchy and the revolutionist denial of the existence of a society of states, rationalism described international relations as "habitual intercourse expressed in the institutions of diplomacy, international legal rules, commerce..."²⁶ As Wight states, "[rationalism] does not see international society as ready to supersede domestic society; but it notes that international society actually exercises restraints upon its members."²⁷ Thus, while acknowledging that states do not have a common superior, rationalists assert the existence of a society of states which limits, through international law, economics *and*, to varying degrees, morality, the actions of its member states. This tradition, Wight contends, while lacking "intellectual conciseness and emotional appeal," nevertheless "may claim that it corresponds more accurately to the intractable anomalies and anfractuositities of international experience."²⁸ In their accuracy, however, rationalists invite the charge that they are defenders of the status quo. Indisputably valid as a criticism, such an observation also provides an opportunity to locate the compromise between realism and revolutionism during any era. By locating the 'status quo' on the subject of humanitarian intervention before and after the Cold War, one can better understand the nature of the evolution of international society. Following the revolutionist and realist Cold War debate, this compromise will be sought out in the writings of Hedley Bull and R.J. Vincent.

The Revolutionist Argument: The Morality of Human Rights

²⁵ For another account of the history of international theory, in terms of realists and utopians, see E.H. Carr, *The Twenty Years' Crisis, 1919-1939* (London: Macmillan Co. Ltd., 1939).

²⁶ Martin Wight, "An Anatomy of International Thought," p. 221

²⁷ Martin Wight, "Western Values," p. 95

²⁸ Martin Wight, "Western Values," p. 95, 96

Revolutionist proponents of humanitarian intervention share a general antipathy for the sovereign state: in David Luban's classic phrase, states are not to be loved and seldom to be trusted.²⁹ Not only do states sometimes engage in gross violations of their citizens' most fundamental human rights, but outside states often refuse to act to end this barbarity. This two-fold failure represents an egregious denial of our common humanity. It is this same common humanity that serves as the legitimizing basis for humanitarian intervention. As Michael Reisman declares

The validity of humanitarian intervention is not based upon the nation-state oriented theories of international law; these theories are little more than two centuries old. It is based upon an antinomic but equally vigorous principle, deriving from a long tradition of natural law and secular values: kinship and minimum reciprocal responsibilities of all humanity, the inability of geographical boundaries to stem categorical moral imperatives, and ultimately, the confirmation of the sanctity of human life, without reference to place or transient circumstance.³⁰

A single phrase from Reisman's quote above reveals much about the revolutionists' position: 'the inability of geographical boundaries to stem categorical moral imperatives,' reflects the revolutionists' common reliance on Immanuel Kant's ethical system. Yet it is in their interpretation of Kant's ethics that the Wight's distinction between 'soft' and 'hard' revolutionists emerges.

Operating from the premise that "respect for states is merely derivative of respect for persons," 'hard' revolutionists such as Fernando Tesón argue for a redefinition of the concept of state sovereignty: "the sovereignty of the state is dependent upon the state's domestic legitimacy; and therefore the principles of international justice must be congruent with the principles of internal justice."³¹ Tesón's reading of Immanuel Kant's *Perpetual Peace* calls for a concurrent reading of the first two Definitive Articles: the First Article calls for all nations to be founded upon republican constitutions, while the Second Article declares the foundation of international law to be a federation of free states.³² Such a reading, for Tesón, links "arbitrary government at home with aggressive foreign policies."³³ Put simply, international peace depends on the domestic legitimacy of individual states which itself is derived from a form of government described by Tesón as a

²⁹ Luban, David, "Just War and Human Rights," in Beitz et al. (eds), *International Ethics*, Princeton: Princeton University Press, 1985, p. 208

³⁰ Reisman, "Humanitarian Intervention to Protect the Ibos," Appendix A in Lillich (ed), *Humanitarian Intervention and the United Nations*, Charlottesville: University Press of Virginia, 1973, p. 168

³¹ Tesón, "Kantian Theory," p. 54

³² Tesón, "Kantian Theory," p. 60-61

³³ Tesón, "Kantian Theory," p. 61

liberal democracy. Tesón argues that "government that engages in substantial violations of human rights betrays the very purpose for which it exists and so forfeits not only its domestic legitimacy, but its international legitimacy as well."³⁴ Up to this point, Tesón's argument reflects a clear articulation of the revolutionist position: all revolutionist supporters of humanitarian intervention can be said to formulate their arguments in a similar fashion.

Tesón distinguishes himself as a 'hard' revolutionist, however, by his claim that "humanitarian intervention is justified not only to remedy egregious cases of human rights violations, such as genocide, enslavement or mass murder, but also to put an end to situations of serious, disrespectful, yet not genocidal oppression."³⁵ So assured is Tesón's belief in 'liberal democracy' as the universally accepted *sine qua non* of domestic governance and in the effectiveness of force as a sanction, that he is willing to endorse humanitarian intervention in a very broad range of scenarios. This is not to suggest that Tesón is a raving interventionist, but as one reviewer of Tesón's *Humanitarian Intervention: An Inquiry Into Law and Morality* put it, "there is something a little totalitarian in the author's moral jurisprudence of international law."³⁶ While willing to acknowledge the existence of an "exquisite tension" between human rights and state sovereignty, Tesón seems unwilling to concede any ground to utilitarian or prudential considerations or place much value in the notion of cultural pluralism. As the title of *Humanitarian Intervention: An Inquiry into Law and Morality* suggests, Tesón excludes political considerations from his investigation, subordinating everything to the moral primacy of the individual. This exclusion does simplify his argumentation, but only by neglecting to demonstrate the validity of his first premise: that human rights protection is the *raison d'être* of the international system. This failure at the level of first principles haunts the revolutionist argument in all its subsequent stages.

Revolutionists advance three major arguments in support of humanitarian intervention: the existence of 19th century and Cold War precedents; a 'major purposes' interpretation of the United Nations Charter; and the failure of the United Nations Security Council to fulfill its role as

³⁴ Tesón, Fernando, *Humanitarian Intervention: An Inquiry into Law and Morality* Dobbs Ferry: Transnational Publishers, 1988, p. 15

³⁵ Tesón, *Humanitarian Intervention*, p. 15

³⁶ Bederman, David J., Book Review. *Humanitarian Intervention: An Inquiry into Law and Morality*, in *American Journal of International Law* 83(1989), p. 408

guarantor of international peace. As both sets of precedents are central to the realist critique of the revolutionist position, they will be discussed later. Richard Lillich summarizes the major purposes argument thus: "examining the United Nations Charter 'as a whole,' it is apparent that its *two* major purposes are the maintenance of peace and the protection of human rights."³⁷ From this interpretation, the Charter's Preamble and Article 1(3) represent, in Reisman's terms, "the intimate nexus that the framers perceived to link international peace and security and the most fundamental human rights of all individuals."³⁸ Examining the references, the Charter's Preamble begins with the now familiar "We the Peoples of the United Nations" and goes on to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women..." Article 1(3) calls on Members "To achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms..." To support their assertion of the importance of human rights, interventionists also cite: Articles 55, which essentially restates Article 1(3); Article 56, in which "All Members pledge to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55;" and the Genocide Convention (1948), which in Article VIII states "Any contracting party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of Genocide."³⁹ Given this list of human rights instruments, the last clause of Charter Article 2(4) prohibiting the use of force – '...or in any manner inconsistent with the purposes of the Charter' – gains special significance. As Lillich states, "humanitarian interventions...actually may further one of the world organization's major objectives in many situations."⁴⁰ The last clause of Article 2(4) thus becomes an escape clause from the otherwise strict prohibition against the use of force. A second potential hurdle presented by Article 2(4), that the use of force is illegal if it affects the 'territorial integrity or political independence' of the target state, is overcome by the assertion that a

³⁷ Lillich, Richard, "Humanitarian Intervention: A Reply to Ian Brownlie and a Plea for Constructive Alternatives," in John Norton Moore (ed), *Law and Civil War in the Modern World*, Johns Hopkins University Press, 1974, p. 236

³⁸ Reisman, "Humanitarian Intervention to Protect the Ibos," p. 171

³⁹ Reisman, "Humanitarian Intervention to Protect the Ibos," p. 174-75

⁴⁰ Lillich, "A Reply to Ian Brownlie," p. 236

truly 'humanitarian' intervention does not compromise either.⁴¹ Reisman's conclusion summarizes the major purposes approach:

Since a humanitarian intervention seeks neither a territorial change nor a challenge to the political independence of the State involved and is not only not inconsistent with the purposes of the United Nations but is rather in conformity with the most fundamental peremptory norms of the Charter, it is a distortion to argue that it is precluded by Article 2(4).⁴²

The second pillar of the revolutionist argument is based on the failure of the United Nations collective security organs during the Cold War. As Lillich asserts, "to the extent that states consciously relinquished the right to use forcible self-help, they took such action under the assumption that the collective implementation measures envisaged under Chapter VII soon would be available."⁴³ While the United Nations is unable to act, so their argument goes, the customary right of unilateral self-help is revived and the "full thrust" of Article 2(4) should be "partially suspended."⁴⁴ Thus they envision a gradual phasing out of the unilateral right to intervene to coincide with a strengthened and presumably active United Nations.⁴⁵ Until that time, however, the interventionists point to Cold War examples of humanitarian intervention as indicating the revival of the 19th century 'self-help' doctrine.

The Realist Critique: The Politics of Humanitarian Intervention

In contrast to the revolutionist emphasis on the morality of human rights, the realist position is distinguished by two assumptions: its rejection of the applicability of morality to international relations and an assertion that "individuals are not the stuff of international politics in the present state system—states are."⁴⁶ The first assumption leads them to be deeply skeptical of states asserting humanitarian motives justifying their intervention, while the second leads to a positivistic view of international law. In Brierly's classic phrase, "International law is simply the sum of the rules by which states have *consented* to be bound, and nothing can be law to which they have not

⁴¹ Lillich, "A Reply to Ian Brownlie," p. 236; see also Fernando Tesón (1988) p. 131, and Reisman (1973) p. 177

⁴² Reisman, "Humanitarian Intervention to Protect the Ibos," p. 177

⁴³ Lillich, "A Reply to Ian Brownlie," p. 238

⁴⁴ Reisman, "Sanctions and Enforcement," in Black and Falk eds., *The Future of the International Legal Order* (III), 1971, p. 273.

⁴⁵ Lillich, "A Reply to Ian Brownlie," pp. 237-38.

⁴⁶ Caroline Thomas, "The Pragmatic Case Against Intervention," in *Political Theory, International Relations, and the Ethics of Intervention*, p. 91.

consented."⁴⁷ Thus realists reject any form of natural law—be it based on secular or religious foundations—in favour of treaties signed between representatives of sovereign states. The legal positivism of realist thought leads to an extremely restrictive interpretation of the United Nations' Charter and of the role of human rights in international relations.

Realists place great stock in three Articles of the United Nations' Charter:

Article 2(4) which reads

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations;

Article 2(7), which states

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII;

and finally, Article 51 which affirms that

Nothing in the present Charter shall impair the inherent right of individual or collective self defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security...⁴⁸

The realist interpretation of these Articles can be summarized thus: first, Articles 2(4) and 51 are read together to indicate that the *only* lawful use of force by member states without prior U.N. authorization, is in self-defense in the face of immediate and overwhelming armed aggression; second, the United Nations is the *only* body permitted to use force for any purpose other than the self-defense provision outlined in Article 51; finally, Article 2(7) is interpreted as applying not only between the United Nations and Member States, but also between Member States themselves.⁴⁹ Any other interpretation, in the words of Tom Farer, amounts to "doctrinal manipulation."⁵⁰

In support of their interpretation, realists also refer to the *travaux preparatoires* of the United Nations Charter and to the various United Nations General Assembly declarations on the use of force. As Ian Brownlie observes, the *travaux preparatoires* indicate that "the phrase 'against the territorial integrity' was added at San Francisco at the behest of small states wanting a stronger

⁴⁷ J.L. Brierly, *The Law of Nations*, 5th ed. (London: Oxford University Press, 1955) p. 42

⁴⁸ Charter of the United Nations, Appendix II of Inis Claude Jr., *Swords into Ploughshares*, p. 465.

⁴⁹ See Brownlie, Donnelly, Franck and Rodley, and Hassan.

⁵⁰ cited by Lillich in "Humanitarian Intervention: A Reply," p. 240

guarantee against intervention."⁵¹ Moreover, the final clause of Article 2(4), 'or in any manner inconsistent with the Purposes of the United Nations,' was "intended to guarantee that there would be no loopholes."⁵² In the General Assembly, the "Declaration on the Inadmissibility of Intervention in the Domestic Affairs of the States and the Protection of their Independence and Sovereignty" and the 1970 "Declaration on Principles of International Law Concerning the Friendly Relations Among States," are cited by realists as further proof of a legal rule of non-intervention. The first operative article of the former, for example, states that "No state has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State."⁵³ For realists such as Jack Donnelly, the United Nations Charter, the General Assembly's Declarations and the weak language and absence of strong enforcement provisions in the existing human rights instruments confirm the realist claim that human rights are essentially matters of domestic concern and that the U.N. Charter prioritizes the maintenance of international peace and security over the promotion and encouragement of human rights.⁵⁴ Thus, realists entirely reject the 'major purposes' interpretation of the revolutionists.

It is this same skepticism that defines the realist position on the purported existence historical cases of humanitarian intervention. They look askance at the revolutionists' list of 19th and 20th century precedents. As Ian Brownlie has written of the 19th century cases, "An examination of the practice provides one possibly genuine example of altruistic action, namely, the intervention of 1860 in Syria to prevent the recurrence of massacres of Maronite Christians."⁵⁵ Revolutionists, however, cite four additional 19th century precedents: the Concert of Europe's intervention in the Greek war of independence from Ottoman rule (1827 to 1830); the Concert's 'peremptory demands' against the Ottoman's misrule of Crete; the Russian intervention in the Balkans (1877 to 1878), again against the Ottoman Empire; and, finally, the Concert's intervention against Ottoman

⁵¹ Brownlie, "Humanitarian Intervention," in Moore (ed), *Law and Civil War*, p. 224

⁵² Wehberg in Fonteyne, J.P.L., "The Customary International Law Doctrine of Humanitarian Intervention: Its Current Validity under the U.N. Charter," *California Western International Law Journal* 4(1974), p. 243.

⁵³ "Declaration on the Inadmissibility of Intervention in the Domestic Affairs of the States and the Protection of their Independence and Sovereignty," U.N.G.A. Res. 2131 (XX), adopted 21 December 1965.

⁵⁴ Donnelly, "Human Rights, Humanitarian Intervention and American Foreign Policy," p. 317

⁵⁵ Ian Brownlie, "Humanitarian Intervention," *Law and Civil War in the Modern World* ed. J.N. Moore (Johns Hopkins University Press, 1974) p. 221

misrule in Macedonia (1903 to 1908).⁵⁶ The specific details of these interventions have been thoroughly discussed elsewhere and need not preoccupy this study.⁵⁷ Even a cursory acquaintance of 19th century history is sufficient to cast significant doubt on the disinterested nature of these interventions.

Two aspects of 19th century international society undermine the revolutionists assertions: the 'balance of power' operating between the great powers; and the existence of a double-hierarchy. In terms of the balance of power, one notices that all the interventions characterized as humanitarian were carried out by, or under the legal sanction of, the Concert of Europe and took place on the territory of the Ottoman Empire. Regarded as the 'sick old man of Europe,' that is, a decaying empire, the Ottoman's territory became the battleground for competing European ambitions in the area. As Woolsey writes of the Russian intervention in the Balkans: "It was based in theory upon religious sympathy and upon humanity. It was a move, in fact, upon the Straits and Constantinople, in pursuance of Russia's century long program [of expansionism]."⁵⁸ While all of the above interventions were not so naked a territorial grab, the temptation for self-aggrandisement sometimes proved irresistible, as the Crimean War of 1853-1856 attests. More often, however, the Concert took pains to emphasize, as it did prior to the Syrian intervention, that no member of the Concert would seek "any territorial advantage, any exclusive influence, or any commercial concession for their subjects which might not be granted to the subjects of all the other nations."⁵⁹ Rather than consider such interventions to be humanitarily inspired, it seems more appropriate to interpret them in the political context in which they took place: five relatively equal European powers with a common weak neighbour in a strategically and economically important location. As Antoine Rougier concludes, the Turkish territory became the battleground on which the broader European balance of power was played out:

Dés l'instant que les puissances intervenantes sont juges de l'opportunité de leur action, elles estimeront cette intervention au point de vue subjectif de leurs intérêts du moment... Si l'Europe a mis la Turquie en

⁵⁶ See Lillich, "A Reply to Ian Brownlie," p. 232.

⁵⁷ See especially, Ellery Stowell, *Intervention in International Law*, (Washington, D.C.: John Byrne and Co., 1921); Manouchehr Ganji, *International Protection of Human Rights*, (Paris: Librairie Minard, 1962); and John Pierre Fonteyne, "The Customary International Law Doctrine of Humanitarian Intervention: Its Current Validity under the U.N. Charter," *California Western International Law Journal* 4(1974), pp. 203-270

⁵⁸ Woolsey, *America's Foreign Policy*, p. 74 as cited in Stowell, *Intervention*, p. 131, ff. 61.

⁵⁹ Stowell, *Intervention*, p. 64-65

tutelle, c'est moins dans l'intérêt des sujets ottomans que pour parer aux conflits d'intérêts de l'Angleterre, de l'Autriche, de la France et de la Russie autour de la mer Noire.⁶⁰

In addition to their skepticism of the intervenor's motives, realist critics of 19th century interventions also focus on the hierarchical nature of the international system at that time. John Claydon criticizes revolutionists such as Richard Lillich for ignoring the existence of a "double hierarchy" in the 19th century system.⁶¹ At the intra-European level, there existed a hierarchy of small states subsumed under the larger powers. This resulted in interventions aimed at maintaining the balance of power either by propping up weak states, such as occurred in Belgium in 1830, or, more drastically, in the partition of Poland. At a second level of the hierarchy, there existed the predominance of European states over non-European states. The effect of this double hierarchy, observes Claydon, was a somewhat flexible doctrine of sovereignty.⁶² While the sovereignty of European powers was considered absolute in their relations amongst themselves, "an absolute principle of non-interference did not accord with their interests in all occasions."⁶³ Thus, while the Ottoman Porte would protest, as he did on the occasion of the Concert's intervention in the Greek civil war, that "l'affaire grecque est une affaire interne de la Sublime Porte, et que c'est à elle seule à s'en occuper," his protestations invariably would be ignored.⁶⁴ This double hierarchy reflects what was considered a truism of the time: that there existed those states that were, in Rougier's terms, the *dirigeants* and those who were the *dirigés*.⁶⁵ Simply put, the 19th century international system was based on a hierarchical paternalism that was accepted almost without question by the great powers of Europe. As Antoine Rougier states: "Ceux qui peuvent mettre au service de la communauté une plus grande science, un plus grand développement juridique et social, une plus grande puissance économique, financière ou militaire, devront être investis d'une autorité légitime sur les États inférieures qui ne peuvent que suivre l'impulsion reçue."⁶⁶ Developed during a time when 'the civilized world' consisted of Europe, by states sharing many cultural and economic

⁶⁰ Antoine Rougier, "La Théorie de L'Intervention D'Humanité," *Revue Générale du Droit Internationale*, 17(1910) p. 525.

⁶¹ Claydon, John, "Humanitarian Intervention in International Law," *Queen's Intramural Law Journal* 1 (November 1969) pp. 36-63.

⁶² Claydon, "Humanitarian Intervention," p. 46

⁶³ Claydon, "Humanitarian Intervention," p. 46.

⁶⁴ cited in Ganji, *International Protection of Human Rights*, p. 23. In fact, the Porte, without exception, protested every instance of Concert intervention.

⁶⁵ Rougier, "Théorie," p. 504.

⁶⁶ Rougier, "Théorie," p. 504.

interests, exercised by the strong against the weak (but only when action did not threaten to disturb the balance of power), the 19th century doctrine does not seem to offer much support for recognizing it as legally acceptable practice.

The realist skepticism of 19th century interventions continues undiminished into the 20th century. Once again, the motives of the intervening state most often undermine the humanitarian aspect of the intervention. What one immediately notices about the Cold War era is the sheer number of interventions characterized as humanitarily inspired. Whereas most authors cite five 19th century examples as case studies, the Cold War debate includes, in general, approximately twelve.⁶⁷ Fortunately, many of these can readily be dismissed as the claim of humanitarianism is patently false. Some, such as South Africa's intervention into Angola, Indonesia's intervention into East Timor, or Vietnam's invasion of Kampuchea are fairly straightforward cases of aggression. While humanitarian motives were an absolutely preposterous claim in the first two cases, the depth of the tragedy in Kampuchea was horrific. Nevertheless, the Vietnamese, as Bazylar has written, "harbored territorial ambitions over Kampuchea. Recognizing the unpopularity of the Khmer Rouge regime, the Vietnamese took advantage of the situation to invade Kampuchea and install a puppet regime."⁶⁸ Other cases, such as the 1960 Belgian intervention in the Congo and the combined French, Belgian, Italian, British and Greek intervention in Zaire in 1978 represent clear cases of economic interest-inspired intervention. In the Congo, the Belgians hoped "the Katangese rebels... would respect Belgian commercial interests in the mineral-rich province of Katanga, in exchange for its armed support."⁶⁹ Meanwhile, in Zaire the collective European intervention against the National Congolese Liberation Army's seizure of Kolwesi, the capital of the copper-rich Shaba province, was instrumental to the survival of the pro-French Mobutu regime.⁷⁰ Still other interventions had more to do with the imperatives of Cold War "spheres of influence" than humanitarianism. The United States' interventions into Central

⁶⁷ Among the best surveys of Cold War interventions are: Fonteyne, "Customary International Law Doctrine of Humanitarian Intervention;" W.D. Verwey, "Humanitarian Intervention Under International Law," *Netherlands International Law Review*, 32(3) 1985, pp. 357-418; and, Anthony Clark Arend and Robert J. Beck, *International Law and The Use of Force* New York: Routledge, 1993.

⁶⁸ Michael J. Bazylar, "Reexamining the Doctrine of Humanitarian Intervention in Light of the Atrocities in Kampuchea and Ethiopia," *Stanford Journal of International Law* 23 (1987) p. 608.

⁶⁹ W.D. Verwey, "Humanitarian Intervention," p. 400.

⁷⁰ Verwey, "Humanitarian Intervention," p. 403

America stand out in this regard.⁷¹ In its 1965 foray into the Dominican Republic, for example, the U.S. Government initially justified its actions as necessary "to protect the lives of US nationals and those of other countries."⁷² The true motives of the operation were made clear by President Johnson as the U.S. operation entered its second phase: "The American nation cannot, must not, and will not permit the establishment of another communist government in the Western hemisphere."⁷³ Interventions during the Cold War, therefore, were more often motivated by opportunism, economic, or ideological motives—often in combination, such as in the multinational operation in the Congo in 1964—and involved the rescue of nationals of the intervening state.

Two cases in particular reveal the weakness of the revolutionist argument: India's 1971 intervention into East Pakistan and Tanzania's 1979 ouster of Idi Amin Dada of Uganda. In both cases, revolutionists must engage in a significant amount of self-deception in order to consider these to be humanitarily inspired. Of the Indian intervention Fernando Tesón has written:

The important point here is not so much whether the Indian leaders harbored selfish purposes along with humanitarian ones, or in what proportion did those purposes blend as an efficient cause of the intervention... but rather that the whole picture of the situation was one that warranted foreign intervention on grounds of humanity. Humanitarian intervention is the best interpretation we can provide for the Bangladesh war. That reading puts the incident in the best light under both principles of international law and elementary moral commitments to human dignity.⁷⁴

Because he has elevated human rights protection to the level of a categorical imperative, Tesón is forced to impose an interpretation of events that does not necessarily accord with reality. The intervention must be understood in the context of the effect on India's economy of the 10 million refugees,⁷⁵ the Pakistani attack on India's airport and, most importantly, in terms of regional geopolitics. Not only was India anxious to strike a blow at its bitter rival Pakistan and establish a more moderate state on its northern border, but India was also interested in creating a neutral buffer state between itself, Pakistan and China. Given the alliance India had with the Soviet Union, Pakistan had allied itself with China. With the creation of Bangladesh, the common border

⁷¹ The Indian intervention in Sri Lanka in 1987 reflects the same type of hegemonial considerations. See For a different spin on these events, see Nirmala Chandrasenan, "The Use of Force to Ensure Humanitarian Relief: A South Asian Precedent Examined," *International and Comparative Law Quarterly* 42(July 1993) pp. 664-672.

⁷² U.S. Dep't of State, Legal Basis for U.S. Action in the Dominican Republic, 111 Cong. Rec. 11119 (1965), cited in Sohn, Louis B. and Burgenthal, Thomas, *International Protection of Human Rights*, eds. Louis B. Sohn and Thomas Burgenthal (New York: Bobbs-Merrill, 1973) p. 206.

⁷³ Johnson, cited in Arend and Beck, *International Law and the Use of Force*, p. 116

⁷⁴ Tesón, *Humanitarian Intervention*, p. 186-87

⁷⁵ cited in Verwey, "Humanitarian Intervention," p. 402

between Pakistan and China was effectively severed. If we were to evaluate the Indian action solely in terms of the effect of Indian intervention on the plight of the Bengali population, then undoubtedly it was overwhelmingly humanitarian. Once we examine India's motives, however, all semblance of altruism vanishes. Perhaps India itself recognized this because while it initially stated "we have on this particular occasion absolutely nothing but the purest of motives and the purest of intentions: to rescue the people of East Bengal from what they are suffering,"⁷⁶ India later deleted all references to humanitarian intervention in the Official Records of the Security Council.⁷⁷

A similar misinterpretation occurs in Tesón's discussion of Tanzania's intervention into Uganda. Of this intervention, he writes:

Admittedly, Nyerere most probably would have not invaded Uganda had not Amin engaged in his frivolous aggressive enterprise. It is also possible that Nyerere was upset over the overthrow of his friend Milton Obote and was committed to help reinstate him in power. Yet considerations of humanity are the only conceivable legal justification for the Tanzanian overthrow of Amin. Reasons of humanity lie at the root of Tanzania's disregard for sovereignty-related inhibitions.⁷⁸

Despite Tesón's exhortations to the contrary, the facts of the intervention do not support his assertion that Tanzania's intervention was humanitarially inspired. First, Tanzanian President Nyerere harboured a long-standing hatred of Idi Amin dating back to the January 1971 coup, which resulted in the ouster of Nyerere's close personal friend Milton Obote. Nyerere granted Obote asylum in Tanzania and refused to recognize Amin's government. Nyerere went so far as to support an attempt to reinstate Obote, by assisting a "small invading army" that was "driving to overthrow President Amin."⁷⁹ Second, this political hatred also resulted in years of military skirmishes and even some invasions, most notably Amin's 1978 invasion and occupation of the Kageria Salient region of Tanzania.⁸⁰ A third factor that must be considered is the blow to Nyerere's prestige occasioned by Amin's invasion. As one observer writes, "[Amin's] invasion

⁷⁶ Franck and Rodley, "After Bangladesh," p. 276

⁷⁷ Akehurst, "Humanitarian Intervention," in Bull (ed) 1984, p. 96.

⁷⁸ Tesón, *Humanitarian Intervention*, p. 164

⁷⁹ Hassan, Farooq, "Realpolitik in International Law: After Tanzanian-Ugandan Conflict 'Humanitarian Intervention' Reexamined," *Willamette Law Review* 17(4) 1981, p. 868

⁸⁰ Hassan, "Realpolitik," p. 868-9

infuriated Nyerere and was indeed humiliating... [and] could alone explain [Tanzanian] invasion."⁸¹

Clearly the operation was not entirely without selfish motivations, yet, as Tanzania's harshest critic acknowledges, "If humanitarian concerns ever may outweigh respect for territorial sovereignty, they did in this case."⁸² Still, one should not confuse moral approbation with legal endorsement. Tanzania's intervention *was* received with the least amount of international criticism of any 20th century cases. As Wani writes, "Though it was charged as a violation of certain preemptory norms, it was never seriously censured."⁸³ Thus perhaps the most that may be said about this case may have already been said by Sir Vernon Harcourt: humanitarian intervention is "above and beyond the domain of law and when wisely and equitably handled by those who have the power to give effect to it, may be the highest policy of justice and humanity."⁸⁴ While we must be wary of attempts to impose *ex post facto* arguments on past interventions, we must also acknowledge that the Tanzanian intervention represents the closest thing to a humanitarian intervention during the Cold War.

Concluding the realist critique of the revolutionist position, it is possible to summarize their arguments in an observation made by Jack Donnelly: "When will states act?" he asks:

Necessary conditions seem to include very low prospects of successful retaliation or loss of benefits, the absence of Cold War concerns...an unusually high level of popular interest in the situation...Furthermore, unless there are also clear and considerable selfish national interests to be furthered, 'humanitarian' intervention almost certainly will not take place...⁸⁵

Given the post-Cold War intervention in Somalia, these criteria, despite their cynicism, seem rather prescient. In fact, these four criteria will form the basis of Chapter Three's analysis of the evolution of humanitarian intervention.

The Rationalist Compromise: Pluralism and Solidarism

⁸¹ Ibrahim J. Wani, "Humanitarian Intervention and the Tanzania-Uganda War," *Horn of Africa* 3 (No. 2, 1980), p. 25

⁸² Hassan, "Realpolitik," p. 892.

⁸³ Wani, "The Tanzania-Uganda War," p. 24.

⁸⁴ Harcourt, Sir Vernon, *Letters by Historicus on Some Questions of International Law* (1863) New York: Kraus Reprint Co., 1971, p. 14

⁸⁵ Donnelly, "Human Rights, Humanitarian Intervention and American Foreign Policy: Law, Morality and Politics," *Journal of International Affairs* 37 (Winter 1984), p. 320.

While the polarized nature of the Cold War carried over into the academic debate on humanitarian intervention, rationalists nevertheless attempted to "partak[e] of the realism of the Machiavellians, without their cynicism, and of the idealism of the Kantians, without their fanaticism."⁸⁶ In seeking this *via media*, however, they often found themselves defending the status quo. Nevertheless, as Hedley Bull observed, the search for a compromise could be followed from one of two paths, pluralism or solidarism, reflecting the authors predilection for realism or revolutionism. The writings of both authors reflects a tension between pluralist and solidarist inclinations: Bull's *Anarchical Society: A Study of Order in World Politics* can be contrasted with his later effort *Justice in International Society*; Vincent's *Nonintervention and International Order* contrasts with *Human Rights and International Relations*. For Bull's part, however, his defense of a pluralist position is flawed. R.J. Vincent, on the other hand, presents not only a more coherent defense of pluralism, but also offers a more solidarist vision of international society.

Bull's defense of pluralism is a two stage process: first, understanding the relationship between order and justice; and second, infusing order with moral value. While recognizing the inherent value of both order and justice, he noted that they were not always compatible:

the institutions and mechanisms which sustain international order, even when they are working properly, indeed especially when they are working properly, or fulfilling their functions... necessarily violate ordinary notions of justice.⁸⁷

He pointed out that institutions such as the balance of power, war, international law and the system of great powers were inherently conservative, often sacrificing the interests of small countries, minority groups and individuals to the imperatives of international order. While recognizing this incompatibility, Bull also embraced it, noting that order and justice were only incompatible "in those cases where there is no consensus as to what justice involves, and when to press the claims of justice is to re-open questions which the compact of coexistence requires to be treated as closed."⁸⁸ For Bull, humanitarian intervention during the Cold War was just such an issue. He wrote:

⁸⁶ Hedley Bull, "Martin Wight," p. 107.

⁸⁷ Hedley Bull, *The Anarchical Society*, p. 91.

⁸⁸ Hedley Bull, *The Anarchical Society*, p. 95.

The reluctance evident in the international community even to experiment with the conception of a right of humanitarian intervention reflects not only an unwillingness to jeopardize the rules of sovereignty and non-intervention by conceding such a right to individual states, but also the lack of any agreed doctrine as to what human rights are.⁸⁹

Without a minimum consensus on the content of human rights, Bull fell back to a defense of order: "justice... is only realizable in the context of order... It is true *a fortiori*, that international society, by providing a context of order of some kind, however rudimentary, may be regarded as paving the way for the equal enjoyment of rights of various kinds."⁹⁰ Bull's pluralism amounts to a defense of order based on the fact that it provides some kind of context in which justice can flourish. R.J. Vincent, however, was not satisfied with Bull's argument. Linking the moral value of order to self-determination, he stated, can result in "rationalizing blindness to central moral issues concerned with the treatment of individuals...[and] a morality giving no sight of such central issues would be a third-rate morality whatever the argument of prudence that supported it."⁹¹ While Vincent himself did not stray far from a non-interventionist stance during the Cold War, he was deeply aware of the dangers of complacency involved in defending order.

Vincent's own defense of pluralism acknowledged the value of order in international relations, yet also offered an additional moral argument in its defense, one which is truer to the pluralism of rationalist thought. Like Bull, his argument was advanced in two stages. First, he argued that there did in fact exist a body of human rights law that could be considered universal. Referring to them as 'basic rights,' he defined them as "what is essential or necessary for a properly human life" and incorporating "a right to security against violence and a right to subsistence."⁹² These rights reflect what Vincent terms the "minimal modification of the morality of states: it seeks to put a floor under the societies of the world and not a ceiling over them. From the floor up is the business of several societies."⁹³ Yet it is in Vincent's discussion of the implications of the existence of 'basic rights' that the solidarist tradition distinguishes itself:

The admission of basic rights is not only a modification of the morality of states, it is also a modification of the argument that the domestic legitimacy of a state has nothing to do with its international legitimacy...

⁸⁹ Hedley Bull, "Conclusion," *Intervention in World Politics* (Oxford: Clarendon Press, 1984) p. 193.

⁹⁰ Hedley Bull, *The Anarchical Society*, p. 87-88.

⁹¹ R.J. Vincent, *Human Rights and International Relations*, p. 124.

⁹² R.J. Vincent, *Human Rights and International Relations*, p. 14, 125.

⁹³ R.J. Vincent, *Human Rights and International Relations*, p. 126.

The failure of a government of a state to provide for its citizens' basic rights might now be taken as a reason for considering it illegitimate.⁹⁴

Unlike Bull, Vincent advocated a more critical evaluation of the domestic governments. At the same time, however, he drew a distinction between criticism and action: "if we made [human rights] the basis for international *conduct*, as distinct from international *criticism*, there would be no end to wars of intervention... In the society of states as it is, righteous intervention will be received as imperialism."⁹⁵ The distinction between criticism and action reflects not only the degree of solidarity in Cold War international society, but also his own defense of pluralism: the non-intervention principle "accepts variety within states, and seeks to prevent its forceful reduction. It recognizes the foreignness of foreigners. It can concede that cultural differences are in some degrees morally relevant."⁹⁶ This is pluralism in the rationalist tradition: starting from the premise that human rights are universal, but recognizing that cultural pluralism not only exists, but also has value; recognizing that while we may be able to learn many things about a culture from a book, we are still outsiders. This is the lesson that Somalia would teach the world.

Finally, it bears restating that during the Cold War the rationalist compromise between revolutionism and realism ended up endorsing the non-intervention principle. As Franck and Rodley observed, "Nothing would be a more foolish footnote to man's demise than that his final destruction was occasioned by a war to ensure human rights."⁹⁷ After the Cold War, however, Vincent returned to the subject of humanitarian intervention and observed:

[W]e have to engage with an emerging notion of international legitimacy: 'emerging' since it can now be argued that the international law of human rights is recognized as part of the *ius gentium intra se*... This opens up the state to scrutiny from outsiders and propels us beyond non-intervention.⁹⁸

Into the 'New World Order?'

While unaccompanied by the typical post-war celebrations, the end of the Cold War has nonetheless resulted in a surge of euphoric optimism. As in 1919 and 1945, the United States

⁹⁴ R.J. Vincent, *Human Rights and International Relations*, p. 127.

⁹⁵ R.J. Vincent, *Human Rights and International Relations*, p. 123.

⁹⁶ R.J. Vincent, *Human Rights and International Relations*, (New York: Cambridge University Press, 1986) p. 117.

⁹⁷ Franck, Thomas and Nigel Rodley, "After Bangladesh: The Law of Humanitarian Intervention by Military Force," *American Journal of International Law* 67(1973), p. 300

⁹⁸ R.J. Vincent and Peter Wilson, "Beyond Non-Intervention," *Political Theory, International Relations, and the Ethics of Intervention* ed. Ian Forbes and Mark Hoffman, (London: St. Martin's Press, 1993) p. 128

seems to be leading the rest of the world into a 'new world order' shaped by a political consensus that Stephen John Stedman has described as a 'new interventionism.'⁹⁹ "The new interventionists," avers Stedman, "wed great emphasis on the moral obligations of the international community to an eagerness for a newly available United Nations to intervene in domestic conflicts throughout the world."¹⁰⁰ Four elements of this interventionist consensus are especially relevant to this paper's purposes. First, the end of the superpower rivalry and with it the possibilities of inter-state warfare, international attention could now be focused on the scourge of civil war. Typical of the 'new interventionists,' David J. Scheffer sanguinely observes that "it just might be possible that by the end of the 20th century the senseless abuse of people within borders will be a strictly historical phenomenon."¹⁰¹ A second aspect of the post-Cold War consensus is the revival of the United Nations as the vehicle for effecting the end of domestic conflicts. Citing the organization's experiences in Namibia, El Salvador and Yugoslavia, Gerald Helman and Steven Ratner observe that the lessons gained "bode well for its ability to adapt to the more complex demands of conservatorship."¹⁰² One of the most complex types of United Nations operation, as described by Helman and Ratner, will be the task of saving "failed states," that is, those states such as Somalia where the "governmental structures have been overwhelmed by circumstances."¹⁰³ In such situations, unlike Cambodia, local authorities will simply "turn over power to the United Nations and follow its orders, rather than retaining a veto."¹⁰⁴ A third assumption of the 'new interventionists,' therefore, is the increasing obsolescence of the principle of state sovereignty. No longer the cornerstone of international order, it is now regarded as a "political constraint" or as a "barrier" to effective humanitarian action.¹⁰⁵ It is the fourth and final element of this 'new interventionism,' however, that most clearly typifies the post-Cold War consensus in the United States: a certain element of naive idealism. Described by Stedman as one of the "long-standing

⁹⁹ Stephen John Stedman, "The New Interventionists," *Foreign Affairs* 72 (No. 1, America and the World 1992-93) pp. 1-16.

¹⁰⁰ Stedman, "The New Interventionists," pp. 1-2.

¹⁰¹ David J. Scheffer, "Towards a Modern Doctrine of Humanitarian Intervention," *University of Toledo Law Review* 23 (Winter 1992) p. 293.

¹⁰² Gerald B. Helman and Steven R. Ratner, "Saving Failed States," *Foreign Policy* 89 (Winter 1992-93) p. 17.

¹⁰³ Helman and Ratner, "Saving Failed States," p. 5.

¹⁰⁴ Helman and Ratner, "Saving Failed States," p. 16.

¹⁰⁵ See Frances M. Deng, *Protecting the Dispossessed* (Washington, D.C.: Brookings, 1992) p. 15 and Deng and Larry Minear, *The Challenges of Famine Relief* (Washington, D.C.: Brookings, 1992) p. 119.

tendencies of American foreign policy,' this idealism is comprised of three elements: "missionary zeal, bewilderment when the world refuses to conform to American expectations and a belief that for every problem there is a quick and easy solution."¹⁰⁶ Nowhere was the 'new interventionism' program more clearly at work than in the dispatch of United States troops to Somalia in December of 1992. As one commentator remarked: "A visitor could walk the corridors of the United Nations fairly swollen with the majesty of the United States that could at last glory in its conscience instead of its might. We have assembled our battalions not to fight but to save a people we do not even know..."¹⁰⁷

Contrary to the picture just presented, the 'new interventionism' did not simply materialize overnight. In fact it evolved in three phases, beginning at the United Nations General Assembly, moving to the Security Council and Boutros Boutros Ghali and ratified in the U.S. Presidential elections of 1992. Reflecting the emergence of what Martin Wight might call 'grassroots cosmopolitanism,' international NGOs began a process of asserting their role in the delivery of humanitarian relief. Emerging in the wake of the Armenian earthquake in 1988, the ongoing Sudanese civil war and the creation of 'safe havens' for the Kurds in northern Iraq, three resolutions were unanimously passed at the General Assembly. Resolution 43(131) of 8 December 1988, for the first time in U.N. history, recognizes the important role of NGOs in providing humanitarian assistance and invites states to make use of their skills.¹⁰⁸ Second, resolution 45(100) of 29 January 1991, endorsed the concept of "relief corridors"¹⁰⁹ described by U.N. officials as one of "history's largest humanitarian interventions in an active civil war."¹¹⁰ The culmination of the NGO effort would be realized in General Assembly resolution 46(182), passed by a unanimous vote on 17 December 1991. Entitled "Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations," the resolution had two chief objectives: first, to centralize coordination of the numerous United Nations and international NGO relief organizations; and second, to enable the coordinator to put pressure on recalcitrant

¹⁰⁶ Stedman, "The New Interventionists," p. 4.

¹⁰⁷ Murray Kempton cited in Alexander Cockburn, "Beat the Devil," *The Nation* (21 December 1992) p. 762.

¹⁰⁸ U.N. Doc. G.A./Res./43/131, 8 December 1988.

¹⁰⁹ U.N. Doc. G.A./Res./45/100, 29 January 1991, p. 3.

¹¹⁰ Deng and Minear, *Challenges of Famine Relief*, p. 84.

governments denying aid to their citizens. In addition, its key paragraph offers five hedges on the concept of state sovereignty: humanitarian assistance *should* (but not must) to be delivered with the *consent* (but not request) of the affected *country* (but not necessarily its formal government) based *in principle* (though but not necessarily always) on an *appeal* (again, not a formal request).¹¹¹ While Paul Lewis of the *New York Times* has referred to this resolution as "a small but significant step toward establishing a right of humanitarian intervention,"¹¹² Larry Minear's evaluation is probably closer to the mark: "[t]he new language reflects growing global solidarity with people suffering in intolerable conditions and a heightened support for more assertive international action."¹¹³ These resolutions were the beginning of a renewed international effort to alleviate the plight of those suffering in incidents of natural disasters and civil wars. As outgoing U.N. Secretary General Perez de Cuellar stated, "We are clearly witnessing what is probably an irresistible shift in public attitudes towards the belief that the defense of the oppressed in the name of morality should prevail over frontiers and legal documents."¹¹⁴ One of the humanitarian relief coordinator's first challenges would come in Somalia.

In the wake of the Gulf War and George Bush's promulgation of a 'new world order,' the United Nations Security Council directed its new Secretary General, Boutros Boutros Ghali, to investigate the possibilities for strengthening "the capacity of the United Nations for preventative diplomacy, for peacemaking and for peacekeeping."¹¹⁵ Boutros Ghali's response, *An Agenda for Peace*, outlines two new concepts central to this paper's focus: peace-enforcement and post-conflict peace-building.¹¹⁶ In his clearest statement of the purpose of peace-enforcement, Boutros Ghali states that it will "enable the United Nations to deploy troops quickly to enforce a cease-fire by taking coercive action against either party, or both, if they violate it." Such an operation, Boutros

¹¹¹ "Strengthening of the Coordinator of Humanitarian Emergency Assistance of the United Nations," U.N. Doc. G.A./Res/46/182, 8 December 1991. For an overly sanguine appraisal, see Christine Ellerman, "Command of Sovereignty Gives Way to Humanity," *Vanderbilt Journal of Transnational Law* 26(2), May 1993, p. 368.

¹¹² Paul Lewis, "U.N. to Centralize Its Relief Efforts," *New York Times* 18 December 1991, p. A.19.

¹¹³ Larry Minear, *Humanitarian Intervention in a New World Order*, (Washington: Overseas Development Council, 1992), p. 3.

¹¹⁴ Javier Perez de Cuellar, cited in David J. Scheffer, "Challenges Confronting Collective Security: Humanitarian Intervention," in Scheffer, Gardner and Helman, *Post-Gulf War Challenges to the U.N. Collective Security System: Three Views on the Issue of Humanitarian Intervention*, (Washington, D.C.: United States Institute of Peace, 1992) p. 4.

¹¹⁵ "Security Council Summit Declaration: 'New Risks for Stability and Security,'" *New York Times*, 1 February 1992, p. 4.

¹¹⁶ Boutros Boutros Ghali, *An Agenda For Peace* (United Nations: New York, 1992) p. 26, 32.

Ghali continues "goes beyond [traditional] peacekeeping to the extent that the operation would be deployed without the express consent of the two parties (though its basis would be a cease-fire agreement previously reached between them)."¹¹⁷ In addition to enforcing cease-fires, the United Nations would now be called upon to engage in post-conflict peace-building, described by Boutros Ghali as

comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among peoples. Through agreements ending civil strife, these may include disarming the previously warring parties and the restoration of order, the custody and possible destruction of weapons... advisory and training support for security personnel... advancing efforts to protect human rights, reforming or strengthening governmental institutions and promoting formal and informal processes of political participation.¹¹⁸

The first United Nations-sponsored mission to rescue a 'failed state' took place in Somalia and underscored the possibilities and limits of both peace-enforcement and post-conflict peace-building. In fact, the international community's experience in Somalia demonstrates, somewhat ironically, the *theoretical* validity of the entire conflict resolution continuum, while illustrating its shortcomings in practice.

The new interventionist agenda and the United Nations expanded peacekeeping responsibilities were both endorsed by incoming Clinton administration. The Democratic version of the 'new world order' was described by Clinton's U.N. representative Madaleine K. Albright as a "principled international community." "It's in our interest to shape a world that is more than an agglomeration of states," she observed, stating that such a community was "forced" upon the United States by five imperatives: first, the strategic imperative of coping with diffuse geographical threats; second, the legitimacy gained by acting according to international law; third, the economic imperative of burden-sharing; the imperative of utilizing the collective moral authority and resources of the international community to offer principled change to the disaffected; and finally, the equity imperative of addressing north-south disparities.¹¹⁹ While rejecting the responsibility to "right every wrong," Albright did announce that "our goal is to foster the development of a

¹¹⁷ Boutros Boutros Ghali, "Empowering the United Nations," *Foreign Affairs* 71(Winter 1992/1993) p. 96.

¹¹⁸ Boutros Ghali, *Agenda for Peace*, p. 32, para. 55.

¹¹⁹ Madeleine K. Albright, "A Strong United Nations Serves U.S. Security Interests," Address before the Council on Foreign Relations' Conference on Cooperative Security and the United Nations, New York, 11 June 1993 reprinted in *US Department of State Dispatch* 4 (No. 26, 28 June 1993) pp. 461-62.

community capable of easing, if not terminating, the abominable injustices and conditions that still plague civilization..."¹²⁰

To address these five imperatives, the Clinton administration proposed to expand its support for the United Nations and its peacekeeping activities. During the election campaign, Clinton himself advocated the creation of a U.N. rapid reaction force to address regional conflicts. Clinton's future Secretary of State, Warren Christopher, also asserted that "It will be this administration's policy to encourage other nations and the institutions of collective security, especially the United Nations, to do more of the world's work to deter aggression, relieve suffering, and keep the peace."¹²¹ To assist the United Nations, the new administration promised to pay its outstanding debts, declared its intention to support the "'rapid expansion' of United Nations peace enforcement operations around the world" and even suggested that U.S. troops might serve under foreign commanders on a regular basis.¹²² Describing the U.S. approach to the United Nations as "assertive multilateralism," Albright used the example of "state-building operations" to extol its benefits:

There is simply no way the United States or any other nation could unilaterally undertake the rescue of failed societies. But a viable collective security system can provide authority and, when necessary, military muscle to achieve democratic aims that are unquestionably in our best interests.¹²³

Thus the goal of state-building came to embody a new U.S. commitment to the United Nations, to peace-keeping operations and the spread of democracy. As his aids stressed, the aim of the Democratic presidency would be to "establish democracy-building as a hallmark of Clinton's presidency in the same way that... Jimmy Carter is remembered for his championing of human rights."¹²⁴ To accompany the aids' inauspicious choice of presidential analogies, Secretary of State Warren Christopher would also remark, "Democracy cannot be imposed from above. By its very nature, it must be built, often slowly, at the grass-roots level."¹²⁵

¹²⁰ Madeleine K. Albright, "A Strong United Nations Serves U.S.," p. 462.

¹²¹ Warren Christopher, "Statement at Senate Confirmation Hearing," Washington, D.C., 13 January 1993 reprinted in *US Department of State Dispatch* 4 (No. 4, 25 January 1993) p. 47.

¹²² Barton Gellman, "Wider U.N. Police Role Supported," *The Washington Post*, 5 August 1993, p. A1.

¹²³ Madeleine K. Albright, "Building a Collective Security System," Statement before the House Foreign Affairs Committee, Washington D.C., 3 May 1993, reprinted in *US Department of State Dispatch* 4 (No. 19, 10 May 1993) p. 333.

¹²⁴ John M. Goshko and R. Jeffrey Smith, "Details of Clinton's 'Democracy' Program Slowly Begin to Emerge," *The Washington Post* 5 May 1993, p. A28.

¹²⁵ Goshko and Smith, "Clinton's 'Democracy Program,'" p. A28.

Conclusion

The new interventionist agenda represents the sea-change that has taken place since the end of the Cold War. At the level of international society, the new interventionist ideas are clearly 'revolutionary,' expressing an increased level of human solidarity. In terms of humanitarian intervention, the ambitious vision of a United Nations responsible for ensuring the protection of minimum human values, by force if necessary, embodies the greater resolve of an international community seeking to respond to the carnage of civil wars. Unfortunately, as the next chapter demonstrates, the United Nations had suffered more than anyone knew during its 45 years of cryogenic sleep; it proved unequal to the demands of the immediate post-Cold War world.

Chapter 2

Post-Cold War Humanitarian Intervention in Somalia

In order to properly evaluate the international intervention in Somalia, it is necessary to understand the historical, cultural, political and economic forces that precipitated the initial crisis. This chapter's principle purpose is to analyze these factors and provide an historical overview of the international community's involvement in Somalia. Accordingly, five historical periods are reviewed: traditional Somali society to Independence in 1960; the dictatorship of Siad Barre (1969-1991); the civil war (1990-92); international involvement in the civil war period; and from the United States-led intervention (UNITAF) to the subsequent UNOSOM II operation. Before turning to this historical overview, however, three case studies will be reviewed to provide a context within which to evaluate the international community's intervention in Somalia: the 1990 intervention in Liberia by the military arm of the Economic Community of West African States (ECOMOG); the creation of safe-havens in Iraq in the aftermath of the Gulf War; and finally, the international response to the disintegration of the Yugoslav republic.

Post-Cold War "Humanitarianism"

Liberia 1990

Founded in 1847 by freed slaves from the United States, Liberia soon became sharply divided as the new arrivals seized political power, subjecting the indigenous populations to second class status. The 1980 coup that brought Master Sergeant Samuel K. Doe to power was therefore widely welcomed many Liberians who saw it as the long-awaited overthrow of the traditional elite. Five years after his coup, his popularity waning, Doe fell back upon electoral fraud and violence to restrain his opposition. An ethnic Krahn, Doe specifically targeted two other ethnic groups, the Gios and Manos, and setting the stage for more violence and, eventually, civil war. On 24 December 1989, a rebel group led by Charles Taylor, the National Patriotic Front of Liberia (NPFL), invaded from neighbouring Ivory Coast. The government responded with violent repression, eventually forcing the United Nations to withdraw in June 1990.

By August 1990, with atrocities mounting and no prospect for U.N. intervention, a three thousand-strong force assembled by the Economic Community of West African States (ECOWAS) and led by Nigeria, intervened in Liberia without the explicit consent of President Doe. ECOWAS justified its intervention on the grounds that the fighting was no longer a civil war, with thousands of refugees crossing into neighbouring countries. In its post-intervention declaration, ECOWAS identified its mandate as "first and foremost to stop the senseless killing of innocent civilian nationals and foreigners, and to help the Liberian people to restore their democratic institutions..."¹²⁶ While critics raised questions as to the relationship between Doe and Nigerian President Babingida and Nigerian aspirations for the role of regional hegemon, even the harshest critics acknowledge that in its initial stages, the ECOMOG force succeeded in establishing order in the capital of Monrovia, obtaining a cease-fire that permitted the return of humanitarian relief organizations, returning the government troops (the Armed Forces of Liberia - AFL) to their barracks and installing an interim government led by Amos Sawyer. Most Liberians in Monrovia welcomed the ECOMOG intervention. As Africa Watch observed, "A number of other Liberians and expatriates pointed to the disaster in Somalia, noting that were it not for ECOMOG, Monrovia would have disintegrated into a situation like Mogadishu, with none of the factions able to win a clear victory and all of them preying upon the civilian population."¹²⁷

For two years the fragile cease-fire held. During this time, ECOMOG sought to extend its mandate over NPFL territory and reinvigorate civil society to replace the violence of the various factions. United Nations special representative Trevor Livingstone Gordon-Somers described the incorporation of elders, community leaders and women's groups into the peace process as "an essential step to a major national reconciliation conference..."¹²⁸ Unfortunately, in October of 1992 Taylor unleashed "Operation Octopus" and the greatly outnumbered ECOMOG forces were compelled to retreat to Monrovia. ECOWAS appealed for help to the United Nations and on 19 November the United Nations Security Council passed resolution 788, formally determining that "the deterioration of the situation in Liberia constitutes a threat to international peace and

¹²⁶ Cited in Christopher Greenwood, "Is there a right of humanitarian intervention?" *The World Today* 49 (No. 2 February 1993), p. 37.

¹²⁷ *Africa Watch*, "Liberia: Waging War to Keep the Peace," (New York: Human Rights Watch, June 1993) p. 8.

¹²⁸ *Africa Watch*, "Liberia: Waging War to Keep the Peace," p. 28.

security."¹²⁹ Accordingly, the Security Council imposed a mandatory arms embargo under Chapter VII of the Charter. Two aspects of this decision bear emphasis: first, there was an undoubted threat to international peace and security in the region as the fighting had spread into neighbouring Sierra Leone; and second, the interim government of Amos Sawyer government had approved the arms embargo.

Vastly outnumbered, the ECOMOG forces gradually formed an alliance with the rebel groups opposing Taylor. From this point in the conflict, the ECOMOG force become focused on ousting Taylor to the point that it itself became guilty of violating the humanitarian laws of war, bombing relief convoys destined for NPFL territory and several hospitals. On 26 March 1993, the United Nations passed resolution 813 condemning the attacks on the ECOMOG forces and called on all parties to "respect strictly the provisions of international of humanitarian law."¹³⁰ The resolution, however, did not criticize ECOMOG. Africa Watch posits two reasons for this: first, the desire to avoid the cost of another peace-keeping operation; and second, the goal of strengthening regional organizations to settle problems locally rather than involve the U.N. itself.¹³¹ Nevertheless in September of 1993, the United Nations sent 300 observers to monitor a disarmament agreement hammered out in July as ECOMOG forces closed in on Taylor. By November, however, talks had again stalled. As Kenneth B. Noble observed, "the real issue is power. none of the camps are certain that it can win outright if elections are held as planned early next year."¹³²

Iraq 1991

The passage of resolution 660 of 2 August 1990 is seen by many as the rebirth of an activist United Nations in the post-Cold War world.¹³³ That resolution condemned Iraq for its invasion and occupation of Kuwait, calling for an immediate and unconditional withdrawal. In the face of

¹²⁹ see Christopher Greenwood, "Is there a right of humanitarian intervention?" p. 37.

¹³⁰ *Africa Watch*, "Liberia: Waging War to Keep the Peace," p. 28-29.

¹³¹ *Africa Watch*, "Liberia: Waging War to Keep the Peace," p. 29.

¹³² Kenneth B. Noble, "As Liberia's Factions Talk, Strife and Fear Drag On," *New York Times* 5 November 1993, p. A3.

¹³³ See, for example, Robert H. Jackson, "Armed Humanitarianism," *International Journal* 48(Autumn 1993) p. 591.

Iraqi intransigence, the Security Council acted with *explicit* reference to Chapter VII of the U.N. Charter to pass resolution 678, authorizing member states to use "all necessary means" to remove Iraq from Kuwaiti soil. It should be noted that resolution 660 was a response to a clear threat to "international peace and security," understood in the traditional sense of territorial aggression. In addition, once this resolution was approved, the United Nations effectively handed over the prosecution of the Persian Gulf War to the coalition forces and, more specifically, the United States. Following Iraq's defeat, the Security Council approved resolution 687, the so-termed "cease-fire" resolution, which granted to the victorious coalition supervision authority on such issues as the destruction of any nuclear, chemical and biological weapons found in Iraq. The same resolution also placed further limits on Iraqi sovereignty, preventing the export of petroleum unless Iraq agreed to divert a substantial portion of such revenues into a war reparations fund. Interestingly, all the permanent members of the Security Council supported this resolution, while Cuba opposed it and Yemen and Ecuador abstained.

As the Gulf War drew to a close, on 15 February 1991, George Bush announced:

There's another way for the bloodshed to stop, and that is for the Iraqi military and the Iraqi people to take matters into their own hands and force Saddam Hussein, the dictator, to step aside, and then comply with the United Nations resolutions and rejoin the family of peace-loving nations. We have no argument with the people of Iraq. Our differences are with that brutal dictator in Baghdad.¹³⁴

On 28 February the Persian Gulf War ended and Saddam Hussein turned his Republican Guards onto the northern Kurds and the southern Shi'a populations. The Kurds retreated into the mountains along the Turkish and Iranian borders where their miserable plight attracted enormous media attention. Unwilling to accept so many Kurds into its southeastern and predominantly Kurdish region, Turkey closed its borders and even made advances into Iraqi territory to deter further refugees.

While the United States announced that it would not use military force to support the uprisings because such action would be a violation of the Charter's non-intervention principle, the French government asserted its intention to change the law.¹³⁵ Action at the Security Council

¹³⁴ Cited in, Morton H. Halperin and David J. Scheffer, *Self-Determination in the New World Order*, (Washington, D.C.: Carnegie Endowment for Peace, 1992) p. 40, ff. 24.

¹³⁵ See Mary Ellen O'Connell, "Continuing Limits on U.N. Intervention in Civil War," *Indiana Law Journal* 67 (1992), p. 905.

resulted in the approval of resolution 688 on 5 April 1991. Its first paragraph stated that the Security Council

Condemns the repression of the Iraqi civilian population in many parts of Iraq, including most recently in Kurdish populated areas, the consequences of which threaten international peace and security in the region...

Having invoked the *language* of Chapter VII, the resolution added its "demands" that Iraq "immediately end this repression," its insistence that "Iraq allow immediate access by international humanitarian organizations to all those in need of assistance in all parts of Iraq," appealed to member states to provide assistance. The resolution received the least approval of any previous resolutions connected with the Gulf War, passing with one more vote than the required two-thirds minimum: China and India abstained while Cuba, Yemen and Zimbabwe were opposed.

The day after the resolution's approval, Britain and the U.S. announced that their troops in the region would begin the delivery of humanitarian relief. Only ten days later was the plan to create safe-havens announced: hereafter the Iraqi government would be excluded from venturing north of the 36th parallel. Coalition forces defended this action by reading together resolution 678 (authorizing "all necessary means" to restore international peace and security to the region) and resolution 688 (which again made reference to the refugees creating conditions threatening international peace and security).¹³⁶ Significantly, Iraq's consent to the operation was not sought in its initial phase, but when the coalition forces sought to hand-off the operation to the United Nations, an agreement with Saddam Hussein was secured, permitting the deployment of 500 U.N. monitors.¹³⁷ While the Secretary General had initially stated that a new resolution would be required to authorize the creation of safe-havens, no new resolution was passed, most likely because of the subsequent Iraqi consent.

While the safe-havens were an unprecedented restriction of Iraqi sovereignty, the coalition forces, from the beginning, rejected the use of force to assist Kurdish secession and regarded the safe-haven proposal as a short-term solution. As Bush himself declared, "I want to stress that this new effort, despite its scale and scope, is not intended as a permanent solution to the plight of the

¹³⁶ see O'Connell, "Continuing Limits on U.N. Intervention," p. 907.

¹³⁷ see U.N. Doc. S/22513, "Letter from the Permanent Representative of Iraq to the United Nations," 22 April 1991.

Iraqi Kurds. To the contrary it is an interim solution designed to meet an immediate, penetrating humanitarian need."¹³⁸ The United States, in fact, was reluctant to press the issue of creating a democratic Kurdish state for fear that it might be "more destabilizing than stabilizing," declaring instead that democratization should proceed at its "own pace."¹³⁹ Having created the safe-havens, the coalition found no simple solution for the future. Eventually, "Operation Poised Hammer" was created to provide for the stationing of coalition fighters in Turkey which would fly sorties over the safe-havens (both Iraqi and Shi'a) to protect against Iraqi incursions. The safe-havens are still in existence today.

The Former Yugoslavia 1991

The break-up of the Yugoslav Republic occurred in two phases: first, a civil war period from June 1991 to mid-1992 and a second internationalized conflict following the international community's recognition of the fragmented remnants. Prior to the outbreak of hostilities, there existed a great deal of tension between the nationalistic federalism of President Milosevic and the desire of Slovenians, Croats and Bosnians for greater regional autonomy. Already in 1990, the U.S. Central Intelligence Agency had predicted that a Yugoslav breakup, resulting in civil war, would occur "most probably within the next 18 months."¹⁴⁰ In September of 1989, Slovenia had altered its constitution to permit secession. Croatia made similar constitutional arrangements in December of 1990. Civil war broke out in June of 1991 following Slovenian and Croatian declarations of independence. A dispute arose between the United States and the European Community over whether or not to recognize the self-declared republics. Germany led the EC by recognizing Croatia, believing that such an action would remove the rump Serbian state's incentive for hostilities. The United States, on the other hand, argued on 13 December 1991 that early recognition would undermine attempts at achieving a negotiated settlement and invariably lead to more, not less war.¹⁴¹

¹³⁸ Cited in Lawrence Freedman and David Boren, "Safe-Havens' for the Kurds in Post-War Iraq," in *To Loose the Bands of Wickedness: International Intervention in Defense of Human Rights*, Nigel S. Rodley ed., (London: Brassey's for the David Davies Memorial Institute, 1992) p. 63.

¹³⁹ see Freedman and Boren, "Safe-Havens" in Rodley, *Bands of Wickedness*, p. 65.

¹⁴⁰ Halperin and Scheffer, *Self-Determination in the New World Order*, p. 33.

¹⁴¹ Halperin and Scheffer, *Self-Determination in the New World Order*, p. 36.

During this initial civil war phase, the United Nations Security Council passed resolution 713 in September of 1991. It declared that the continuation of the civil war constituted a threat to international peace and security and imposed an arms embargo under Chapter VII of the Charter. Crucial to some members of the Security Council was the fact that the arms embargo had been imposed with the consent of the Yugoslav government and that the suspension of the same embargo would occur in consultation with the Yugoslav government.¹⁴² Yugoslav consent was also obtained for the deployment of the peacekeeping force authorized in resolution 721. The latter resolution noted that the consent of the warring groups was crucial to the successful operation of a peace-keeping force.¹⁴³ As the civil war deepened and the parties came to be recognized as independent states, the consent of the former-Yugoslavian government was no longer sought. Resolution 743, for example, established the United Nations Protection Force (UNPROFOR) solely on the basis of a Chapter VII determination of a threat to international peace and security.

The prospects for humanitarian intervention came to be associated with Bosnia and the efforts of the newly elected Clinton administration. On 10 February 1993, Secretary of State Warren Christopher announced that "The world's response to the violence in the former Yugoslavia is an early and crucial test of how it will address the concerns of the ethnic and religious minorities in the post-cold-war period."¹⁴⁴ In the same speech, Christopher outlined the six-point Clinton approach: active engagement in the Vance-Owen negotiation process; pursuit of a negotiated settlement; tightening the economic sanctions against Serbia; calls for enforcement of the no-fly zone, increased delivery of humanitarian aid and a war crimes tribunal; promises of U.S. support for the implementation and enforcement of an agreed upon settlement; and finally, wide consultation with allies. This approach, while indicating U.S. involvement, represented a step back from the level of commitment suggested by Clinton during his election campaign. He had earlier advocated air-strikes and lifting the arms embargo against the Bosnians, declaring that "the legitimacy of ethnic cleansing cannot stand."¹⁴⁵ The Clinton administration's policy, however, came to involve symbolic gestures of its commitment, such as air-dropping relief to besieged

¹⁴² Christopher Greenwood, "Is there a right of humanitarian intervention?" p. 38.

¹⁴³ Christopher Greenwood, "Is there a right of humanitarian intervention?" p. 38.

¹⁴⁴ "Christopher's Remarks on Balkans: 'Crucial Test,'" *New York Times* 11 February 1993, p. A6.

¹⁴⁵ Michael R. Gordon, "Policy's Limits on Bosnia," *New York Times* 4 March 1993, p. A1, A6.

enclaves. The Bosnian Serbs, sensing the lack of real commitment, responded to the air-drops by: shelling the Muslims who came to collect the relief supplies; engaging in a major offensive against the Cerska enclave; and issuing a humiliating "Open Letter" citing the bombing of the World Trade Centre as evidence of the "dangers of direct foreign involvement" in the Bosnian conflict.¹⁴⁶ When the Security Council attempted to respond by authorizing a ban on military flights over Bosnia, Russian objections twice forced postponement. Facing a serious domestic crisis, Yeltsin and his Western allies did not wish to offer Russian nationalists any further weapon against the beleaguered President.¹⁴⁷ Even more serious measures, such as the air-strikes—used only four times to date since being proposed in June of 1993—were short-term measures hoping to force the recalcitrant Bosnian Serbs back to the negotiating table.

In April of 1993, the Clinton policy shifted. No longer casting the Bosnian crisis as a moral issue, the Administration began to describe it as "a tribal feud that no outsider could hope to settle."¹⁴⁸ Five considerations can be said to have fueled the change in policy: Russian opposition to more forceful action; lack of domestic public opinion support; Clinton's desire to focus like a "laser" on the economy; opposition from the Pentagon which regarded Bosnia as a quagmire; and the protests of U.S. allies who feared that more forceful action would endanger their peace-keepers on the ground.¹⁴⁹ A negotiated solution became the hope of all Western nations involved in the conflict. In early May, however, when the Bosnian Serbs rejected such a settlement, Clinton himself tried to make the case that the Bosnian crisis was in the national interest of the United States. He stated: "We've seen too many things happen, and we do have fundamental interests there, not only the United States, but the United States as a member of the world community."¹⁵⁰ Despite Clinton's protestations to the contrary, the simple reality was that in Bosnia, there was simply no vital national interest. As Warren Christopher would later state, Bosnia "involves our

¹⁴⁶ Anthony Lewis, "On Bended Knee?" *New York Times* 5 March 1993, p. A15.

¹⁴⁷ Paul Lewis, "U.N. Postpones Enforcing Ban on Serb Flights," *New York Times* 25 March 1993, p. A3.

¹⁴⁸ Thomas L. Friedman, "Bosnia Reconsidered," *New York Times* 8 April 1993, p. A1.

¹⁴⁹ Anthony Lewis, "The Limit of Shame," *New York Times* 5 April 1993, p. A11.

¹⁵⁰ Steven A. Holmes, "Backing Away Again, Christopher Says Bosnia Is Not a Vital Interest," *New York Times* 4 June 1993, p. A7.

humanitarian concerns, but it does not involve our vital interests in survival."¹⁵¹ And so Bosnia continues to haunt the international community even today.

The Failure of the Somali State and Humanitarian Intervention

The brief survey of three international crises sets the stage for a more detailed examination of the origins, and the international response to, a single post-Cold War crisis: the collapse of the Somali state. In order to fully discuss the complexities of this case study, significant attention will be devoted to the origins and underlying factors that precipitated this collapse.

Traditional Somalia: Pastoral Democracy

The key to understanding Somali politics lies in its evolution from a nomadic lifestyle. As anthropologist Seifulaziz Milas observes, "The values of Somali society are those of survivors, of survivors in a pastoral nomadic society struggling for life in a harsh desert setting where the cost of a mistake, the price of weakness, was often death."¹⁵² Responding to the severe challenges of desert life, Somali society developed two important characteristics: a reliance on kinship ties and a communitarian brand of politics and economics.

Somali society is organized into six clan-families derived from two eponymous ancestors. Thus, from the "Somalle" eponym are derived the Dir, Darod, Issaq and Hawiye clan-families, while the Rahanweyn and Digil clan-families trace their origins to the "Sab" eponym. Below the level of clan-family, Somali society is further divided into clans, primary lineage groups, diya-paying groups and elders. Such a structure makes for extremely fluid alliances, which, as Said Samatar describes:

at once draw the Somalis into a powerful social fabric of kinship affinity and cultural solidarity while setting them against one another in a complicated maze of antagonistic clan interests. A person, for example, gives political allegiance first to his/her immediate family, then to his immediate lineage, then to the clan of his lineage, then to a clan family that embraces several clans including his own, and ultimately to the nation that itself consists of a confederacy of clan-families. Each level of segmentation defines a person's rights and obligations as well as his/her standing in relation to others. The segmentary law dictates, for example, that two lineages that are genealogically equidistant from a common ancestor should stand in an adversarial relationship to each other but should be drawn together as allies against the members of a third lineage whose genealogical lines fall outside of the common ancestor. The result is a society so

¹⁵¹ Steven A. Holmes, "Backing Away Again," p. A7.

¹⁵² Cited in Reid Miller, "Age-old Loyalties Feud for Thought," *Globe and Mail* 11 December 1992, p. A9.

integrated that its members regard one another as siblings, cousins, and kin, but also so riven with clannish fission and factionalism that political instability is the society's normative characteristic. ¹⁵³

As Samatar's discussion suggests, kinship creates a strong sense of corporate identity. This can have both positive and negative results. On the negative side, the corporate identity can reduce the sense of individual responsibility. As Maxamed D. Afrax describes: "if a man wants to commit murder, he may be encouraged by the feeling that he will be protected by his kin; likewise, the aggrieved party may seek to take vengeance not just on the murderer but on his kin individually and collectively. As a result of this irrational outlook, innocent people may be harmed, and culprits need not held accountable for their deeds."¹⁵⁴ More positively, the corporate identity can be used by the larger kin structure to coerce the individual into following the majority's wishes.

The exigencies of desert life also facilitated the development of a communitarian style of politics characterized by a fundamentally decentralized structure. As I.M. Lewis observes:

Few societies can so conspicuously lack those judicial, administrative, and political procedures which lie at the heart of the western conception of government. The traditional northern Somali political system has no chiefs to run it and no formal judiciary to control it. Men are divided amongst political units without any administrative hierarchy of officials and with no instituted positions of leadership to direct their affairs. Yet although they thus lack to a remarkable degree all the machinery of centralized government, they are not without government or political institutions.¹⁵⁵

The most important of the political institutions referred to by Lewis is the contract, or *Heer*, applied at the diya-paying group level of kinship segmentation. The contract "denotes a body of explicitly formulated obligations, rights and duties. It binds people of the same treaty... together in relation to internal delicts and defines their collective responsibility in external relations with other groups."¹⁵⁶ It is at the level of the diya-paying group, that the full force of the *heer* can be brought to bear: "It is the enforcement of sanctions within the diya-paying group which marks it off as a distinct political and jural unit," observes Lewis.¹⁵⁷ Literally "bloodwealth," the diya represents a deterrent to continued hostilities. As Lee Cassanelli remarks: "In the absence of any external authority, the alternative to bloodwealth payments was almost always retaliation in kind for insult, injury or homicide and, more often than not, the start of a prolonged feud between the two parties

¹⁵³ Said Samatar and David D. Laitin, *Somalia: Nation in Search of a State* (Boulder: Westview Press: 1987) pp. 30-31.

¹⁵⁴ Masamed D. Afrax, "The Mirror of Culture: Somali Dissolution Seen Through Oral Expression," in *The Somali Challenge: From Catastrophe to Renewal?* ed. Ahmed I. Samatar (Boulder: Lynne Rienner, 1994) p. 236.

¹⁵⁵ I.M. Lewis, *Pastoral Democracy* (Toronto: Oxford University Press, 1961) p.1.

¹⁵⁶ I.M. Lewis, *Pastoral Democracy*, p. 162

¹⁵⁷ I.M. Lewis, *Pastoral Democracy*, p. 168.

that could eventually draw in other *diya* groups and sometimes the entire clan. The institution of the *diya* groups thus reduced the incidence of open conflict in Somali society."¹⁵⁸

A further characteristic of the decentralized nature of communitarian politics is the fact that Somali society has essentially no specific institutionalized positions of leadership. To be sure, there were leaders, both religious and secular, but the true test of one's leadership was one's own personal qualities: age, political acumen, knowledge of religion and poetry, inherited prestige and wealth are the only means at the disposal of any mediator. Because the elders of a particular *diya*-paying group have coercive power—capable of even expelling a recalcitrant member and thereby depriving him or her of their identity—they are crucial to successful conflict resolution. Elders from two feuding clans would meet, face-to-face, under the shade of a tree to resolve a conflict. Negotiation was an extremely long process, characterized by a great deal of ceremony, recitation of poetry, prayer and general discussion of the issue. In this way, everyone felt they had voiced their concerns and, consequently, slowly began to commit themselves to the slow process of reconciliation.

In sum, traditional Somali society was fundamentally decentralized, relatively egalitarian (only men could be "elders"), and organized on the communitarian values of a people trying to survive in an unforgiving climate.

Colonialism

Colonialism can be said to have had two major impacts on traditional Somali society. First, the imposition of European borders simultaneously heightened the sense of Somali unity or nationalism, while also dividing the society into five different regions. The French, for example, created their colony in what would become modern-day Djibouti. The British established the Somaliland Protectorate in the northeastern in order to supply with fresh meat their coaling station of Aden, located across the Red Sea. British control of Kenya would lead to a northern border that divided the Darod clan-family between Kenya and the future Somali state. The Italians, who had the greatest hopes for their own colony on the eastern coast, enforced their colonial rulership more

¹⁵⁸ Lee V. Cassanelli, *The Shaping of Somali Society: Reconstructing the History of a Pastoral People, 1600-1900*, (Philadelphia: University of Pennsylvania Press, 1982) p. 20.

tightly than any other imperial power. Finally, the Ethiopians were given vast tracts of the central plateau region, simultaneously dividing the Ogadeni clan and depriving future Somali pastoralists from access to their traditional rangelands. The seeds of Somali irredentism—symbolized in the five-pointed star that graces the Somali flag—were sown.

The second and perhaps most damaging impact of colonialism was the effect of centralized colonial rule on traditional communitarian politics and economics. The policy of "indirect rule" through the *akils* or Local Authorities had two principle effects. On the economic front, the *akil* was an artificial entity, basing its status not on successful pastoral practices, but on the prestige and wage earned from the colonial government. On the political front, the *akils*, as I.M. Lewis observes, "threaten the stability of the dia-paying groups."¹⁵⁹ Lewis adds that, "elders naturally view the system in terms of the advantages which may accrue to them personally and to their kinsmen, rather than in terms of the distasteful tasks which the Administration may require them to perform. Many indeed hope to enjoy the benefits while avoiding the disadvantages as skillfully as possible." As the colonial government became the centre of personal and clan gain, jealousies and rivalries were created, while the importance of kinship connections was heightened. In Somalia's brief experiment with democracy, kinship became the only means of distinguishing one candidate from another, while the concentration of power in a single President became an irresistible object for competition. In the 1964 elections, for example, twenty-one parties and 973 candidates contested the elections, while in 1969, 62 parties and 1,002 candidates contested the same 123 seats in the national legislature. Following the second election, what should have become the opposition, stood up and walked across the legislature floor to join the new government. One hundred twenty-two of a possible 123 seats were now 'officially' in the hands of a single party. Disenchanted with their democratic experiment, Somalis were ready for change, even if change meant *coup d'état*.¹⁶⁰

Siad Barre's Legacy

¹⁵⁹ I.M. Lewis, *Pastoral Democracy* p. 203.

¹⁶⁰ see I.M. Lewis, "Politics of the 1969 Somali Coup," *Journal of Modern African Studies*, 10 (No. 3, 1972) p. 399.

On 21 October 1969, General Mohammed Siad Barre seized power. His overarching goal was to create a state out of the Somali nation. While he can take credit for some positive accomplishments such as the introduction of a Somali script, improving the literacy rate and, at least initially, successfully mobilizing civil society behind public works projects, he will be remembered for further exacerbating the effects of colonialism and repressing civil society.¹⁶¹ Barre's tenure is notable for four effects: increasingly centralizing political control into a repressive state apparatus; manipulating kinship ties to maintain power; destroying the Somali economy; and using Somali irredentism to build a huge military machine.

Barre's centralization program evolved in two phases: first, with the Somali Revolutionary Council following his *coup d'état*, followed by his attempts to institutionalize the the "Socialist Revolution" in the Somali Socialist Republican Party. Immediately after the coup, Barre outlawed political parties, replacing them with the Somali Revolutionary Council. Comprised of 23 of his loyal military officers, Barre made himself the Chairman and consolidated the office of President, the Council of Ministers, the National Assembly and the Supreme Court under his authority. A repressive body of "National Security Laws" was promulgated by the new court.¹⁶² Law No. 54 of 10 September 1970, for example, contained 26 articles detailing a wide range of political activities which constitute "crimes" against the "freedom, unity and security" of the nation." Twenty of these offenses carry a mandatory death sentence. In addition, Law No. 8 amends the pre-coup Code of Criminal Procedures to admit the use of confessions in cases concerning Somalia's 'national security.' Barre also abolished the right of *habeas corpus* and passed laws permitting, for example, house searches and the confiscation of property of those suspected of "anti-revolutionary activities." To further extend his reach into society, Barre created the National Security Service (NSS) with the power to detain whomever it suspected of threatening 'peace, order and good government' or otherwise conspiring to undermine the revolution.¹⁶³ In the rural

¹⁶¹ For a positive evaluation of Barre's early successes, see David Laitin, "The Political Economy of Military Rule in Somalia," *The Journal of Modern African Studies* 14 (No. 3, 1976), pp. 449-68.

¹⁶² Human Rights Watch, "Somalia: Evading Reality," (New York: Africa Watch, 12 September 1992) p. 7.

¹⁶³ Abdilsalam M. Issa-Salwe, *The Collapse of the Somali State*, (London: Haan Associates, 1994) p. 58.

areas the civilian administrators were replaced with former military and police officers and given similar powers to the dreaded NSS.¹⁶⁴

In 1976 and at the request of his Soviet patrons, Barre attempted to institutionalize his revolution by creating the Somali Socialist Revolutionary Party (SSRP). Barre, however, held the posts of Chairman of the Politburo, Party Secretary, President of Somalia and Commander in Chief of the armed forces. Moreover, the five politburo posts under Barre's chairmanship were all filled by loyal army officers. As Abdi Samatar wryly observes, "the SRC was disbanded, only to appear in party attire."¹⁶⁵ Thus, while the SSRP had three stated purposes—to educate Somalis in socialist ideas, to spearhead the economic transformation, and the enhancement of Barre's security—in fact, it only proved successful in the last of its objectives.¹⁶⁶ In 1979, after his loss in the Ogaden War, Barre introduced a new constitution calling for the creation of a People's Assembly, but when he insisted on retaining control over who was eligible to sit in the new Assembly, it became known as the "Assembly of Applause." At the local level, Barre created District Party Committees, Local People's Assemblies and village councils in response to popular demands for decentralization. As Abdi Samatar concludes, these new structures were merely symbolic: "In spite of this appearance of decentralized state structure and the potential for popular input in determining development strategy...the new village councils have only two functions: collecting tribute from the villagers and notifying them of new government dictates."¹⁶⁷

On the economic front, Barre employed two principle tactics to help maintain his rulership. First, he increased the export of Somali livestock through the use of state marketing boards. While promising to reinvest a portion of the profits in improved veterinary and water services, Barre diverted the funds to his own coffers or used them to secure the support of allies.¹⁶⁸ This disproportionate "taxation" of the Somali economy most severely affected the northern Issaqs and sowed the seeds for their later disaffection with the entire idea of a Somali state. A second tactic aimed at enhancing Barre's power was nepotism. Barre appointed allies to posts within

¹⁶⁴ Ahmed Samatar, *Socialist Somalia*, p. 86.

¹⁶⁵ Abdi I. Samatar, Samatar, Abdi I., *The State and Rural Transformation in Northern Somalia: 1884-1986*, (Madison: University of Wisconsin Press, 1989) p. 119.

¹⁶⁶ Samuel M. Makinda, *Seeking Peace from Chaos: Humanitarian Intervention in Somalia*, International Peace Academy Occasional Paper (Boulder: Lynne Rienner, 1993) p. 23.

¹⁶⁷ Abdi I. Samatar, *The State and Rural Reconstruction*, p. 120.

¹⁶⁸ Ahmed Samatar, "Socialist Somalia," p.109.

departments dealing with finance and development, where, acting as brokers or middlemen, they would "make a quick fortune" operating outside the State machinery and not paying into its Treasury.¹⁶⁹

The effect of the state economy's failure was to cause more and more Somali's to 'opt out' into the informal sector, essentially falling back on their kinship bonds. One method of survival involved Somalis working abroad in the rich oil states of the Gulf and sending home a portion of their wages. More than US\$ 330 million was being remitted, an astonishing 15 times the sum of Somali yearly wages and nearly 40 percent of the nation's total GNP. The official remittance figure was US\$ 30 million.¹⁷⁰ Another strategy involved the interriverine agropasoralists selling their grain to the northern nomads at prices substantially higher than dictated by the International Monetary Fund.¹⁷¹ In the urban areas, David Laitin has documented how a civil service of 90,282 actual wage earners can sustain 300,000 to 360,000 people:

Many families had one member working for the government, not so much for the salary, but for the access to other officials that enable the family to engage in quasi-legal trading activities. Remittances from overseas prevented starvation for some families. Many urban families had members who were livestock traders and through *franco valuta* had access to foreign exchange. Many government workers prospered on bribery for the profiteers in the so-called gray economy. Other government workers could obtain "letters of credit" (the right to draw funds from the government-held foreign exchange accounts) allowing them to import goods for sale and for family use. Still other civil servants moonlighted for international agencies, receiving valuable foreign currency for their efforts.¹⁷²

The failure of the government to achieve its economic goals resulted in a downward spiral of declining production, withdrawal from the formal economy and the revitalization of blood-ties as a necessary response to government predation.

As the initial glow of the revolution faded, Barre used the latent Somali irredentism to distract the population from its economic and political woes and build a formidable army. Barre increased the army's size from 16,000 strong in 1967 to 31,000 in 1976. Just prior to the Ogaden War of 1977-78, the Somali army peaked at 54,000 soldiers. Yet even after the loss of the Ogaden campaign, the Somali army held strong in the neighbourhood of 45,000 members.¹⁷³ Given a population of approximately 5 million, Somalia's army has been huge, even by Africa's inflated standards. According to Jeffrey Lefebvre, Somali was able to sustain its military by employing

¹⁶⁹ Mohamed Osman Omar, *The Road to Zero: Somalia's Self-Destruction*, (London: Haan Associates, 1992) p. 190.

¹⁷⁰ David Laitin, "The Economy," in *Somalia: A Country Study* 4th edition, ed. Helen C. Metz, (Washington, D.C.: United States GPO, 1993) pp. 141-42.

¹⁷¹ David Laitin, "The Economy," p. 143.

¹⁷² David Laitin, "The Economy," p. 146.

¹⁷³ Data taken from Jeffrey A. Lefebvre, *Arms for the Horn: U.S. Security Policy in Ethiopia and Somalia 1953-1991* (Pittsburgh: University of Pittsburgh Press, 1992) p. 32.

three strategies.¹⁷⁴ First and not surprisingly, Barre diverted huge sums of revenue to its maintenance, between 13.3 and 27.5 percent of the national budget during most of his reign. Second, he imported arms to the tune of 25 to 47 percent of Somalia's total imports. Third, superpower support in the neighbourhood of US\$ 2 billion since independence was also an important factor. In addition to internal security, Somalia's claims on the Ogaden became the chief reason for the military build-up.

With Ethiopia's 'Emperor,' Haille Selassie, seemingly ready to fall in the early 1970s, Barre was presented with an irresistible opportunity to divert attention from Somalia's internal woes by recapturing the traditional Somali pastureland in the Ogaden. Barre, however, made two fatal errors: first, he did not calculate that the Soviet Union had also noticed that Sellassie was to be replaced by a more ideologically pro-Soviet faction and was slowly abandoning its Somali client in favour of the strategically more important Ethiopia; and, second, when the Soviets actually abandoned Somalia during the Ogaden War, he assumed that the United States would rush to fill the void. Thus, despite some initial successes, once the Soviet's executed their *volte face* and the U.S. did not take up the slack, the Barre forces were routed in spectacular fashion. This was to be the beginning of the end for Barre. The fact that he was able to remain in power for another 12 years is a testament to his ability to manipulate kinship ties and to the inability of the opposition to present a united front.

While the manipulation of kinship ties would increasingly replace attempts to legitimize his regime, Barre came to power promising to end 'tribalism.' During February and March of 1971, he promoted his 'Campaign Against Tribalism' by burning and burying effigies representing traditional clan ties.¹⁷⁵ He outlawed the use of the traditional Somali terms *ina adeer* (cousin) and *adeer* (uncle) used in addressing each other, replacing them with the word *jaalle*, or comrade. More significantly, however, Barre went to great lengths to undermine the traditional sources of social control and replace them with his own. As Ahmed Samatar describes:

the SRC abolished the traditional *diya* while assuming its social responsibility. Moreover, the '*aaqils* were renamed *nabaad-doons* (peacemakers), and *afminsharism* (political propaganda and tribal gossip) was outlawed. Furthermore, weddings and burials which took place under clanist auspices were now given a different meaning: weddings were to be held in the newly created Orientation Centres, and burials became the responsibility of neighbourhoods. The logic behind these steps was to undercut lineage loyalties and to give the primordial heterogeneity of neighbourhoods a new and special function.¹⁷⁶

¹⁷⁴ Jeffrey A. Lefebvre, *Arms for the Horn*, pp. 32-33.

¹⁷⁵ Issa-Salwe, *The Collapse of the Somali State*, p. 56.

¹⁷⁶ Ahmed Samatar, *Socialist Somalia*, p. 108

Significantly, Barre continued the colonial practice of *akils*, albeit under a new name, as a means to control the local populations. He lured pliant elders—most often from clans allied with him, but not traditionally located in the farming areas—into these posts with promises of farmland, often at the expense of the small minority groups that populated the fertile interriverine regions. Thus, Barre effectively created a new class of landowners who owed him their loyalty, while simultaneously politicizing kinship relations.¹⁷⁷

Most importantly, however, as Barre consolidated his grip on power, he himself came to rely on three clans to maintain himself in power: the Marehan of his own patrilineage, the Ogadeen of his mother, and the Dulbahante of his principal son-in-law whom he made head of the National Security Service. This triad earned the contemptuous moniker of MOD. The MOD element within the important positions of power increased dramatically. The Ministers of Information and Foreign Affairs as well as the chiefs of the para-military forces and social organizations were all chosen from the President's own clan. In fact, Barre's own son replaced Omer Arteh Ghalib in the post of foreign affairs minister.¹⁷⁸ Moreover, while in 1969 there were only four Marehan officers in the officer corps, by 1981 60 percent of these officers were from Barre's clan. Whereas recruitment in the Somali army had been carried out initially without considerations of clan, Samuel Makinda notes that by the late 1980s, "there was no clear difference between regular army units and clan militias."¹⁷⁹ Ultimately, the meritocracy he had initially championed was abandoned even at the level of secondary leadership. These positions were now used to build tribal ties and alliances, but had the additional effect of encouraging patron-client relationships and corruption. Former Somali Ambassador to India, Mohamed Osman Omar, recalls how Barre appointed loyal members of the MOD triumvirate to watch over governmental ministries. "In due course of time," he states, "these Presidential appointees came to exercise more power and influence than the ministers themselves."¹⁸⁰

¹⁷⁷ see *African Rights*, "Land Tenure, the Creation of Famine, and the Prospects for Peace in Somalia," Discussion Paper No. 1, (London: African Rights, October 1993).

¹⁷⁸ Abdi Sheik-Abdi, "Ideology and Leadership in Somalia," *Journal of Modern African Studies*, 19(1) 1981, p.163-72

¹⁷⁹ Samuel Makinda, *Seeking Peace from Chaos*, p. 24.

¹⁸⁰ Mohamed Osman Omar, *The Road to Zero*, p. 190.

As Barre's legitimacy decreased, he increasingly turned his military on his own population, singling out different clans as they rebelled. After the debacle in the Ogaden, a 1978 Majerteen-led coup attempt was put down and, of the 17 executed afterwards, only one officer was not of Majerteen lineage.¹⁸¹ In response, some Majerteen, led by Colonel Abdullahi Yusuf, fled across the Ethiopian border and established the Somali Salvation Democratic Front (SSDF), staging raids into neighbouring areas in Somalia. In 1979, Barre sent crack troops of the *Duub Cas* (Red Hats) into the Majerteen area around the town of Galka'yo, killing upwards of 2,000 Majerteen, raping women, destroying wells, and slaughtering livestock.¹⁸² Next to rouse Barre's ire would be the northern Issaq clan, who, unhappy with the limited economic benefits of 'Scientific Socialism,' formed the Somali National Movement (SNM) in 1981. After years of sporadic guerrilla activity, the SNM launched a general offensive against the Barre regime, albeit with a somewhat rag-tag force. Barre's response was swift and merciless, unleashing the full force of his military machine against the Issaq. According to Human Rights Watch, between 50 and 60 thousand Issaq lost their lives.¹⁸³ When Barre was finally ousted in 1991, the north seized the opportunity to secede, declaring itself the independent Somaliland Republic.

One particularly tragic legacy of Barre's anti-Issaq campaign was his institutionalization of what Africa Watch has termed "the strategy of banditry:"

During this brutal campaign, Siad's troops, many of whom later joined clan factions after the collapse of the central government, were allowed openly to loot and sell the spoils of the war in the markets of Mogadishu, with no fear of punishment. This practice broke with traditional Somali customs governing competition between clans, and changed the character of the civil war. After Barre's ouster, other clan factions continued these tactics.¹⁸⁴

Traditionally, elders met after a conflict and sat down to long negotiations over who had stolen what from whom and how much restitution should be paid. By condoning looting, Barre ushered in the era of the *mooryaan*, that is, youths who would steal and rob in order to survive beyond the control of traditional leaders or even the future 'warlords.' The faction leaders themselves relied on the promise of looted bounty in order to attract not only the stray *mooryaan*, but also the armed men of their own particular clan. Indeed, as Africa Watch notes, "many observers argue that without the implied promise of fruitful looting, few factions would be able to summon any sizable military support."¹⁸⁵

¹⁸¹ Said Samatar, *Somalia: A Nation in Turmoil*, A Minority Rights Group Report, (London: The Minority Rights Group, August 1991) p. 11.

¹⁸² Said Samatar, *A Nation in Turmoil*, p. 11.

¹⁸³ see Africa Watch, *Somalia: A Government at War with its own People*, January 1990.

¹⁸⁴ Human Rights Watch, "Somalia: Beyond the Warlords: The Need for Verdict on Human Rights Abuses," *News From Africa Watch* (New York: Africa Watch, 7 March 1993) p. 4.

¹⁸⁵ Human Rights Watch, "Beyond the Warlords," p. 5.

Following the campaign against the SNM, Barre's grip on power fast became tenuous: within his MOD triumvirate there was dissension and outside there was violent opposition. In 1986, Barre suffered serious injuries in a car crash, raising questions and disagreements over succession within his own Marehan clan. In 1988, following the signing of a treaty with Ethiopia in which Barre gave up Somali claims to the Ogaden, the Ogaden component of his power base split, with several generals breaking away to form the Somali Patriotic Movement (SPM) in 1989. Finally, during the violent campaign against the northern Issaq, two generals from the Dulbahante clan refused Barre's order to fight. With the MOD alliance weakened, opposition to Barre exploded, but, without a concentrated focus. Exiled members of the Hawiye clan formed the United Somali Congress (USC) in late 1988 after Barre launched attacks against their regional stronghold north of Mogadishu. In addition, the Somali Democratic Alliance (SDA) was formed in 1989 by members of the Gadabursi clan. Despite the fact that every militia contains the word 'Somali' in some form or another, they could not mount a coordinated offensive until August 1990 when the SNM, the SPM and the USC united in order to oust Barre from Mogadishu.

One brief moment of unified action took place on 15 May 1990 with the publication of an open letter to Siad Barre demanding change. Signed by 144 prominent Somali intellectuals, former government officials, business leaders, professionals and trades persons who came to be known as the *Manifesto Group*. Significantly, this group cut across clan lines to unify behind a three-step process to end the civil war.¹⁸⁶ First, it recommended the establishment of a thirteen member committee to prepare the groundwork for a national reconciliation conference. Charged with developing an agenda for the conference, selecting appropriate regional representatives and, *significantly*, religious and intellectual leaders, the proposal seemed to hold much promise. The two other goals of the proposed conference consisted of finding common ground on basic principles for a new constitution to provide for greater regional autonomy and establishing a definite timetable for elections. Barre's response came on the night of 11 June 1990: he arrested 45 of the 144 signatories. From this moment on, a military solution seemed to become the only solution. Nevertheless, on 9 January 1991, Italy stepped in and tried to broker a last-minute agreement, but its stipulation that Barre retain the presidency, while relinquishing most of his

¹⁸⁶ Human Rights Watch, "Evading Reality," p. 11.

powers to a committee of national reconciliation, was flatly rejected by the opposition. The civil war was on.

Somalia's Civil War

Four factors of the Somali civil war have had a long-term impact on the Somali crisis and affect the prospects and potential strategies for national reconciliation: the origins of the rivalry between General Mohamed Aideed and Ali Mahdi Mohamed, both members of the Hawiye clan family; Barre's destruction of the fertile interriverene region; the post-Barre politics between Aideed and Ali Mahdi; and the dubious legitimacy of both Presidential-hopefuls.

While the largest clan-family in Somalia, the Hawiye were notably absent from the Somali military scene during the 1980s, with the SNM and the SSDF suffering most at the hands of Barre. The Hawiye military and political arm, the United Somali Congress, was formed in Rome in January of 1989. At its inception, the USC was lead by neither Aideed nor Ali Mahdi, but by Ali Mohamed 'Wardigly.' At this time, Dr. Ismael Jumale Ossoble was quietly being groomed for the Presidency of Somalia.¹⁸⁷ Jumale himself appointed Aideed to lead the army, recalling him from India to train the USC forces in Ethiopia. For his part, Ali Mahdi resented the arrival of Aideed into USC politics and refused to recognize Aideed's election, in June of 1990, to the Chairmanship of the USC. Aideed's election came on the heels of the death of Wardigly in April of 1990, yet the presence of Jumale in the background meant that intra-clan relations were still under control. Unexpectedly, Jumale died in August of 1990 and created a leadership vacuum within the USC. Aideed and Ali Mahdi became the principle protagonists in the bid for control of the USC. While both of the Hawiye clan-family, Aideed belonged to the Habr Gedir sub-clan, while Ali Mahdi belonged to the Abgal sub-clan. Because Jumale had also belonged to the Abgal sub-clan, Ali Mahdi felt he was the logical successor to the reigns of the USC and, most likely, to the Presidency. Immediately after Barre's ouster, Ali Mahdi had himself declared President by a group of his USC supporters. Such a move not only angered the USC chairman, Aideed, but it also violated an August 1990 agreement between the USC, the SNM and the SPM. These three groups had united to oust Barre and had agreed that noone would become President until all three parties agreed. Upset by Ali Mahdi's perfidity and infighting among the USC, the northern Issaqs (SNM) withdrew from the south and declared their independence on 18 May 1991.

¹⁸⁷ see John Drysdale, *Whatever Happened to Somalia?* (London: Haan Associates, 1994) pp. 16-17.

The manner in which Barre was finally ousted also played a pivotal role in determining the nature of the post-Barre conflict. Before leaving Mogadishu, Barre unleashed all his remaining military might on the city and its environs. Somali journalist Mohamoud M. Afrah describes this final act of violence and its effects: "Governmental rockets landed on crowded residential areas and marketplaces, and an estimated 20,000 civilians lost their lives. In retaliation, the rebels have carried out a slaughter against the President's clansmen and top officials.¹⁸⁸ Following this carnage, the rebels fell upon Barre's 'Villa Somalia' to take possession of the vast quantities of arms still stored there. Mohamoud Afrah describes what the rebels found:

Guerrilla forces... captured over \$45 million in US supplied military hardware, including 25,000 M-16 rifles... 15,000 AK-47s, thousands of hand grenades and landmines, 20 Soviet-made T-55 tanks, 35 artillery pieces, 36 rocket launchers, 40 armored personnel carriers, six Chinese-made MiGs... and enough other material to field the entire armies of two African countries.¹⁸⁹

These and other weapons procured during the civil war, despite the arms embargo declared in United Nations resolution 733 of January 1992, have created a climate of fear in which guns are an indispensable part of one's security. The interriverine Rahanweyn (and the many minority clans of the area) learned this lesson the hard way as Barre's retreating forces swept through their fertile agricultural belt, slaughtering civilians and livestock alike, destroying irrigation systems, smashing water pumps, and stealing valuable grains and even the seeds necessary to grow crops. Aideed's forces pursued Barre and the farming area became a battleground, with both armies being fed off looted crops and animals. As Africa Watch concludes of this period, "these attacks on civilians so thoroughly disrupted production and distribution of food that, far more than the drought, they are responsible for the famine in Somalia."¹⁹⁰ While a drought did exist in Somalia, it bears repeating, *the famine was man-made*.

With Aideed pursuing Barre into the Gedo region, Ali Mahdi declared himself interim President of Somalia, creating much of the animosity between the two seen today. A hotelier by occupation, Mahdi's contribution to the USC had been primarily financial. This explains his decision to claim the Presidency: with Aideed the clear *military* leader and no such credentials himself, Ali Mahdi tried to seize the *political* leadership of the USC. When Aideed returned to Mogadishu, protesting this unilateral action, Ali Mahdi (whose Abgal clan had claimed Mogadishu after Aideed and Barre left) declared that Aideed had arrived "very late in the day" to claim the

¹⁸⁸ cited in Edward Sheehan, "In the Heart of Somalia," *New York Review of Books*, 40 (Nos. 1&2, 14 January 1993)

¹⁸⁹ cited in Edward Sheehan, "In the Heart of Somalia."

¹⁹⁰ see Africa Watch, "Beyond the Warlords," p. 5.

fruits of victory.¹⁹¹ Ali Mahdi sought to consolidate his position by organizing a national reconciliation conference, but Aideed refused to attend or to recognize the legitimacy of Ali Mahdi's government. The labyrinthine world of Somali politics took another sharp turn when, at the annual USC Congress held on 4 July 1991, Aideed was elected the Chairman of a reconstituted USC with the support of 70% of the USC delegates. This would become Aideed's principle claim to leadership. Yet, at the second Djibouti conference (Aideed boycotted the first) held between 15 and 21 July 1991, Ali Mahdi was elected interim President of Somali for a period of two years. Samuel Makinda describes the effects of this vote:

Aideed had apparently wanted both jobs [Chairman of the USC and the Presidency]. Because of the legitimacy conferred on Ali Mahdi by the Djibouti conference, his government was recognized by several countries, including Djibouti, Egypt, Italy, and Saudi Arabia. However, as other states appeared to recognize Mahdi, Aideed became increasingly intransigent about accepting the conditions of unity.¹⁹²

Thus, during 1991 the political situation in Somalia ground to a stalemate: Aideed, the clear military leader, lacked political legitimacy; Ali Mahdi Mohamed, recognized as President by some countries, but without any military credibility and of dubious political legitimacy. Throughout 1991, Aideed and Mahdi's conflict alternated between civil war and an uneasy cease-fire while they regrouped.

Despite their claims to the presidency, both Ali Mahdi and Aideed are of dubious character and this has become an important consideration in outside efforts to find a solution to the Somali crisis. Both leaders command only small armies that are consistently loyal to them. To expand their power-base, they have taken up the 'strategy of banditry' initiated by Siad Barre, trading the promise of retained booty for the loyalty of the innumerable small militias. Both have distinguished themselves by bombing civilian targets and hospitals, using starvation as a weapon to defeat the other side, and antagonizing clan hatred by condoning vendettas. More recently, as the world became aware of Somalia once again, food-aid became the most valuable commodity in Somalia: he who can provide food and income from re-sold humanitarian relief can command the greatest allegiance. As Africa Watch concludes of the Aideed-Mahdi rivalry, "the final element in the fighting is money:"

¹⁹¹ Africa Watch, "A Fight to the Death?" p. 4.

¹⁹² Samuel Makinda, *Seeking Peace From Chaos*, p. 31.

In a poor and aid-dependent country such as Somalia, controls over the symbols of "legitimate" or "sovereign" government are more than a matter of status, they are a licence to print money. The government not only literally manufactures banknotes, but controls the exchange rate, can run up debts on the national account, and receive foreign aid--all of which are elements that can bring great personal fortunes to those in office. Ali Mahdi and his ministerial colleagues have mostly lost their businesses... and depend upon anticipation of future office for future income. Similarly, General Aidid and his financial backers... anticipate sharing in the spoils of office should they win.¹⁹³

The stakes in this rivalry, therefore, are enormous and, if one recalls Somali history around the time of 1960, very similar to the competition over the controls of government during the first years of independence. The battle for political control in Somalia lasted almost two and a half years, but during this time the international response to the humanitarian tragedy was less than exemplary.

International and United Nations Response

"Ill-equipped, ill-informed and un-coordinated," is how the British director of Save the Children Fund United Nations involvement in Somalia in 1992.¹⁹⁴ In fact, for most of the civil war's first year one could add 'non-existent' to the above list. Osman Hashim, U.N. representative to Somalia had determined Mogadishu to be unsafe and had evacuated his staff to neighbouring Nairobi.¹⁹⁵ After repeated requests for United Nations engagement were rejected, the International Committee of the Red Cross (ICRC) took the unusual step of publicly criticizing the U.N. Pierre Glassman asked "How come Unicef Somalia has 13 people in Nairobi and no one inside [Somalia]?" Perhaps so stung by the criticism that he forgot about United Nations operations in the former-Yugoslavia, the deputy director of the United Nations Development Program (UNDP), Mario Borsotti, replied, "In a situation of war, we don't operate."¹⁹⁶ Other equally dubious excuses included the difficulty of finding a company willing to insure U.N. relief workers¹⁹⁷ and, later in 1992, the difficulty of obtaining a Somali signature to permit the distribution of US\$ 68 million in unspent aid money budgeted for Somalia. Of the need for a host signature, Alex de Waal declared "there must be a hundred ways around the problem. But they only decided two weeks ago to get a waiver."¹⁹⁸ Even David Bassiouni, humanitarian affairs coordinator for Somalia, *and one of the first such positions appointed under General Assembly*

¹⁹³ Africa Watch, "A Fight to the Death?" p. 7.

¹⁹⁴ see David Watts, "Charity pins Somalia aid 'shame' on UN," *The Times of London* 31 August 1992, p. 5.

¹⁹⁵ see Human Rights Watch, *The Lost Agenda: Human Rights and U.N. Field Operations*, (New York: Human Rights Watch, 1993) p. 116.

¹⁹⁶ see Jane Perlez, "Somali Fighting Keeps Aid From a Suffering City," *The New York Times*, 11 December 1991, p. A7.

¹⁹⁷ U.N. Undersecretary for Africa, James Jonah, cited in Keith Richburg, "In Africa, Lost Lives, Lost Dollars," *The Washington Post* 21 September 1992, p. A1.

¹⁹⁸ see Julie Flint, "UN's \$68 m Somali aid blunder," *The Observer* 6 September 1992, p. 2.

resolution 46(182), proved unable to cut through the red-tape. Appointed in March of 1992, he had no staff until August.¹⁹⁹

Yet even when the United Nations took action on Somalia, such as after Pierre Glassman's criticism, its actions reflected so rudimentary a knowledge of the conflict and Somali society that they often, albeit unintentionally, did more harm than good.²⁰⁰ United Nations Special Envoy for Somalia, James Jonah, responded to mounting criticism by flying into Mogadishu with a two item agenda: negotiate a cease-fire and uninhibited passage for relief supplies. Perhaps unaware that his destined airport was in the hands of two 'neutral' clans, the Hawadle and the Murasade, he made no arrangements to meet them. Aideed fired artillery shells over the airport as Jonah arrived and successfully diverted him to an airport under his control. Aideed then did his level best to impress upon Jonah the extent of his control of Mogadishu. During his time with Aideed, Jonah concluded a peculiar agreement with the faction-leader. A United Nations Press release dated 3 January 1992 states: "The Jonah delegation and the Aidid faction of the USC also reached agreement that three hospitals in Mogadishu would be declared "areas of tranquillity" and would as such be protected by troops of Aidid's faction..."²⁰¹ The Jonah agreement effectively made the three hospitals targets for Ali Mahdi's artillery fire. Unable to cross the 'Green Line' dividing the city, Jonah then returned to Nairobi. The diplomatic and military coup belonged to Aideed. Jonah returned to Mogadishu the next day in order to meet with Mahdi. Following these discussions, Jonah issued a hasty declaration in Nairobi that while Mahdi had agreed to international intervention, Aideed remained the obstacle to progress. Both sides having claimed their respective diplomatic victories, they became more intractable. In addition, while intending to open the Mogadishu airport for relief flights, Jonah's visit resulted in its closure for a period of 10 days. Most seriously, however, Jonah upset the balance of power in Mogadishu. While the Murasade had been instrumental in negotiating a cease-fire in September of 1991, after Jonah's visit they began drifting closer to the Mahdi group, a drift that would be irreversible after Aideed took advantage of his new confidence to overrun their positions in Mogadishu. In addition to all the other 'territorial claims' that must be settled after the conflict, the Murasade are demanding Aideed return buildings and property won during Jonah's brief, high profile, visit.²⁰²

¹⁹⁹ see Mort Rosenblum, "Somalia Famine Avoidable, Aid Workers Say," *Los Angeles Times* 4 October 1992, p. A16.

²⁰⁰ Detailed in *Africa Watch*, "Somalia: A Fight to the Death?" (New York: Human Rights Watch, 13 February 1992) pp. 7-9.

²⁰¹ cited in *Africa Watch*, "A Fight to the Death?" p. 17.

²⁰² see Keith B. Richburg, "Somali Clan Fights Remain Intractable," *The Washington Post* 22 January 1993, p. A26.

A second United Nations attempt at diplomacy is especially instructive when contrasted with the negotiating style of a subsequent Eritrean delegation.²⁰³ In a highly publicized visit, United Nations Special Coordinator Brian Wannop flew into Mogadishu and invited Aideed and Mahdi to weekend talks in New York. He did not invite any clan leaders or neutrals. The day after the invitations were distributed, Ali Mahdi made an aggressive move on other's areas in Mogadishu in an attempt to secure maximum territorial control prior to the talks. More than 80 civilians were treated in Digfer hospital the first night of fighting. While Wannop was delivering his messages, the U.S. Senate Sub-Committee on Africa was hearing testimony from Professor Ali Khalif Galaydh to the effect that by only inviting Aideed and Mahdi, other groups would be more reluctant to join negotiations later. He also criticized the "weekend, or a few hours" diplomacy of the United Nations, advocating instead the appointment of a special envoy.²⁰⁴ In contrast to Wannop's approach, the Eritrean delegation stayed for more than two weeks, met with both sides and numerous elders and neutrals, and did not make any public statements on positions or progress. Without economic incentives or military disincentives, however, the Eritreans were handicapped. Trying to find the right balance between 'carrots' and 'sticks' would prove to be the biggest challenge faced by mediators.

The second United Nations Special Envoy to Somalia, Mohamed Sahnoun, arrived on 24 April 1992. Prior to his arrival, the Security Council had passed two resolutions: numbers 733 (23 January 1992) and 746 (17 March 1992). The first, resolution 733, declared that "the continuation of this situation [in Somalia]... a threat to international peace and security..." and, under Chapter VII of the Charter, imposed an arms embargo.²⁰⁵ It also requested the Secretary-General to "undertake the necessary actions to increase humanitarian assistance of the United Nations and its specialized agencies to the affected populations in liaison with the other international humanitarian organizations and, to this end, appoint a coordinator to oversee the effective delivery of this assistance." Resolution 746 reaffirmed the allusions to Chapter VII and dispatched a technical team to observe and report back on progress.²⁰⁶ This is how Sahnoun describes the situation in Somalia upon his arrival in Mogadishu on a fact-finding mission:

the city was almost deserted. Most people had fled to the surrounding areas, where they lived in the worst of conditions and many faced death by starvation. Despite the cease-fire, fighting still occurred periodically around Mogadishu. These skirmishes seemed grotesque in view of the tragedy and chaos in the country as a

²⁰³ see, *Africa Watch*, "A Fight to the Death?" p. 10.

²⁰⁴ United States. Senate. Subcommittee on African Affairs of the Committee on Foreign Relations. *Emergency Situation in Zaire and Somalia.*, pp. 19-21.

²⁰⁵ U.N. Doc. S/Res/ 733 (23 January 1992) pp. 1-2.

²⁰⁶ U.N. Doc. S/Res/ 746 (17 March 1992) pp. 1-2.

whole. At least 300,000 people had died of hunger and hunger-related disease, and thousands more were casualties of the repression and the civil war. Seventy percent of the country's livestock had been lost, and the farming areas had been devastated, compelling the farming population to seek refuge in remote areas or across the border in refugee camps. Some 500,000 people were in camps in Ethiopia, Kenya and Djibouti. More than 3,000—mostly women, children, and old men—were dying daily from starvation.²⁰⁷

Into this tragic situation, with Security Council resolution 751 of 24 April 1992, Mohamed Sahnoun officially commenced what would become the first of two United Nations Operations in Somalia (UNOSOM). In addition, the resolution requested the Secretary-General "immediately to deploy a unit of 50 United Nations observers to Monitor the cease-fire in Mogadishu..."²⁰⁸ Ali Mahdi welcomed the proposed deployment, convinced that his cooperation with the United Nations would result in his increased legitimacy and his recognition as President by other countries. Aideed, on the other hand, for the same reason that Ali Mahdi welcomed the peace-keepers, felt threatened by the deployment and initially refused to offer his consent. With only four of the fifty peace-keepers deployed, Sahnoun went back to the negotiating table and after arduous talks secured Aideed's consent for the presence of the additional 46 peace-keepers on 19 July 1992.²⁰⁹ On 10 August, again after protracted negotiations with Aideed, Sahnoun secured agreement for the deployment of 500 additional peacekeepers. He forwarded his recommendations to the Secretary General and Security Council resolution 775 was unanimously passed 28 August 1992.²¹⁰ Due to bureaucratic delays, the first peacekeepers did not arrive until September 14, far too late.²¹¹ A frustrated Sahnoun made a series of public statements critical of U.N. inaction in 1991 and of the efforts of his predecessor, James Jonah.²¹² He was rebuked by Boutros Ghali and, on 26 October 1992, resigned.

The United States' Role

For most of 1991 and 1992, the United States adopted what Roland Marchal has termed a "politique proprement schizophrénique:" on the one hand, the United States Agency for International Development (US AID) provided the single largest amount of international relief to Somalia; on the other hand, it resisted taking more decisive action at the United Nations.²¹³ In the wake of United Nations inaction during 1991, the United States almost doubled its emergency aid

²⁰⁷ Mohamed Sahnoun, *Somalia: The Missed Opportunities*, (Washington: U.S. Institute of Peace Press, 1994) pp. 15-16.

²⁰⁸ U.N. Doc. S/Res/ 751 (24 April 1992] p. 2.

²⁰⁹ Jane Perlez, "U.N. Observer Unit To Go To Somalia," *New York Times* 20 July 1992, p. A3.

²¹⁰ U.N. Doc. S/Res/ 775 (28 August 1992) p. 2.

²¹¹ Jane Perlez, "Armed U.N. Troops Arrive in Somalia," *New York Times* 15 September 1992, p. A10.

²¹² See for example, Mort Rosenblum, "Somalia Famine Avoidable;" and Jane Perlez, "U.N. Relief Official in Somalia Quits in Dispute with Headquarters," 28 October 1992, p. A6.

²¹³ Roland Marchal, "Somalie: Autopsie d'une Intervention," *Politique Internationale* (automne 1993) p. 194.

to Somalia, contributing an additional 19 million dollars on December 12th. Andrew Natsios, director of the U.S. Office for Foreign Disaster Relief Assistance, criticized the United Nations for their "failure to engage themselves." He explained that a United Nations transport plane was being held in Nairobi due to the risks posed by the civil war in Somalia. By contrast, the International Committee of the Red Cross was, at the same time, making daily Hercules flights into the capital. "The United Nations is involved in six other civil wars in Africa," Natsios asked, "are they going to pull out of those?"²¹⁴ At the same time, however, senior Bush administration officials "rejected the suggestion, made by some at the State Department, of putting Somalia onto the Security Council agenda."²¹⁵

The same pattern of U.S. action and inaction continued into 1992. On the relief front, the United States was again leading all other nations, supplying \$85 million in aid in its first 14 months of involvement in the civil war.²¹⁶ With an average of one to two thousand deaths per day in early 1992, it encouraged the ICRC, a medical organization, to undertake the coordination and operation of a massive feeding operation. Funded by the United States, the ICRC established 195 communal kitchens in Mogadishu alone, serving one meal a day for 230,000 people. An additional 176 kitchens were distributed outside Mogadishu providing food to 220,000 other Somalis.²¹⁷ The ICRC announced its 90-day emergency plan of action for Somalia on 9 July 1992 with the ominous declaration: "It's now or never."²¹⁸ The action plan stated that a staggering 75% of Somalis faced "severe malnutrition," while the overall "malnutrition" figure was 95%. Bush himself became involved in early July 1992 upon reading a dispatch from U.S. Ambassador to Kenya, Smith Hempstone, entitled "Dispatch from a place near Hell," describing the plight of Somali refugees in northeastern Kenya.²¹⁹ Finally, upon reading a front page article in the *New York Times*, Bush drew up plans for an emergency airlift to Somalia and northern Kenya.²²⁰ Announced on 14 August, by 9 September, according to U.N. figures, the high-profile airlift had delivered only 300 tons to Somalia.²²¹ Having repeatedly testified before various Congressional committees, publicly rebuked the United Nations and organized the delivery of thousands of tons of humanitarian relief, a weary Andrew Natsios declared: "It bothers me a lot that these things

²¹⁴ Jane Perlez, "U.S. Increases Aid to Somalia After U.N. Balks," *New York Times* 15 December 1991, p. 6.

²¹⁵ Jane Perlez, "Somalia Self-Destructs, And the World Looks On," *New York Times* 29 December 1991, p. 4.

²¹⁶ Don Oberdorfer, "U.S. Took Slow Approach to Somali Crisis," *Washington Post* 24 August 1992, p. A13.

²¹⁷ Source: Kent Matheson, Canadian Red Cross, Vancouver, B.C.

²¹⁸ ICRC Geneva, Africa Zone, "Emergency Plan of Action: Somalia," 9 July 1992.

²¹⁹ reprinted in *Washington Post* 23 August 1992, p. C1.

²²⁰ Jane Perlez, "Deaths in Somalia Outpace Delivery of Food," *New York Times* 19 July 1992, p. A1.

²²¹ Mort Rosenblum, "Somalia Famine Avoidable, Aid Workers Say," *Los Angeles Times* 4 October 1992, p. A16.

happen, and I am ultimately responsible for this and I sit a lot and say, 'What could I have done differently over the last year,' because it weighs on me a lot. *I don't know what else we could have tried.*"

As early as January of 1992, international NGOs were suggesting a different approach to the Somali crisis. Wilhelm Huber, regional director for the Austrian charity *SOS Kinderhofen*, met with Western diplomats to propose an alternative way to provide relief.²²² Having maintained the confidence of Somalis for staying during the worst of the civil war in 1991, and a Somali speaker, Huber's plan combined the use of humanitarian 'relief corridors'—modelled on the Sudanese experience and endorsed in General Assembly Resolution 43(131)—and the idea of 'safe havens' to transport food into the interior. Huber planned to avoid Mogadishu entirely and keep rural families at home to grow crops. "I told them exactly what they could do," he explains, "They just sat there and said nothing. The British guy snickered, and he ridiculed the idea." Huber adds that no one in the international community was prepared to take the risk or pay the cost. Nevertheless, as word of a military intervention in Somalia was leaked to Leslie Gelb of the *New York Times*, disaster relief expert Fred Cuny, proposed very much the same plan.²²³ He estimated that his plan would require 2,500 U.S. Marines with an additional multi-national force of 1,000 others and air and naval support. "We can't impose a peace," Cuny states, "but we can create a safe haven to allow the voluntary organizations to strike at the heart of the famine."

During most of 1992, however, the United States was not very interested in Somalia. At the Security Council, the United States blocked attempts by other members for more assertive action. In a draft version of resolution 733, Cape Verde called upon the Secretary General and regional organizations to contact all parties to the conflict "to *ensure* their commitment to the cessation of hostilities and promote a cease fire and its compliance and assist in the process of *political normalization* of Somalia. The U.S. representative downgraded the term 'ensure' to 'seeks' and urged 'a political settlement of the conflict,' rather than the 'political normalization' of Somalia.²²⁴ While a subtle textual difference, the implication was clear: the United States was not prepared to engage itself at the level requested in the original draft. A second draft resolution, this time proposed by Venezuelan Diego Arria, was also downgraded. Draft resolution 746 states that the Security Council "strongly supports the Secretary-General's decision to urgently dispatch a technical team to Somalia to prepare an operational plan for a monitoring mechanism to guarantee

²²² see Mort Rosenblum, "Somalia Famine Avoidable."

²²³ see Leslie Gelb, "Shoot to Feed Somalia," *New York Times* 19 November 1992, p. A27; and Anthony Lewis, "Action or Death," *New York Times* 20 November 1992, p. A31.

²²⁴ see Human Rights Watch, "A Fight to the Death?" p. 25.

the stability of the cease-fire." Under U.S. pressure, the final version omitted any references to the need to monitor the cease-fire. Instead, the Security Council simply dispatches a technical team "accompanied by a [relief] coordinator."²²⁵ While the drafting history of resolution 733 did not become public, the Nigerian Foreign Minister told the Security Council "Africa must receive the same qualitative and quantitative attention paid to other regions."²²⁶ "Throwing a few crumbs of bread won't solve the problems of Somalia," added Simbarashe Mumbenegegwi of Zimbabwe. U.S. reluctance to engage itself in Somalia again manifested itself in April of 1992 during the debates that authorized the deployment of 50 observers under resolution 751. According to Paul Lewis of the *New York Times*, "because of United States objections, the [Security] Council backed off a plan to sent [sic] a force of 500 armed troops to protect relief workers in the Somali capital."²²⁷ A subsequent editorial explained that "State Department officials advised the U.N. that Congress and voters were weary of paying for peacekeeping operations."²²⁸ Compared to the cost of the August airlift, however, the proposed \$7.5 million plan for 500 peace-keepers seems a bargain. Yet even when Bush proposed the airlift, the Pentagon's representatives were "reluctant" even to consider it, considering Somalia a "bottomless pit."²²⁹

From UNITAF to UNOSOM II

As the situation in Somalia further deteriorated, the U.N. Secretariat seemed to grow impatient with the requirement of securing the consent of the faction leaders prior to deploying peace-keepers. The first concrete indication of this frustration occurred in September of 1992. On 10 August, after grueling negotiations, Mohamed Sahnoun had secured Aideed's consent to the deployment of 500 peace-keepers as specified in resolution 767 of 27 July. Before these peace-keepers had even arrived, the U.N. Secretariat announced that a further 3,000 "reinforcements" would also be deployed.²³⁰ The announcement caught everyone off-guard: Aideed was outraged and became more intransigent. Sahnoun himself was not consulted prior to the announcement and felt his position as mediator had been compromised.²³¹ Shortly thereafter, Sahnoun resigned and was replaced by Ismat Kittani.

²²⁵ see Africa Watch and Physicians For Human Rights, "Somalia: No Mercy in Mogadishu: The Human Cost of the Conflict and the Struggle for Relief," (New York: Human Rights Watch, 26 March 1992), p. 25.

²²⁶ cited in Paul Lewis, "U.N. Security Council Weighs a Role in the Somali Civil War," 18 March 1992, p. A8.

²²⁷ Paul Lewis, "Reined In by U.S., U.N. Limits Mission to Somalia," *New York Times* 26 April 1992, p. 15.

²²⁸ *New York Times* "Uncle Pygmy Pleads Poverty," Editorial. 28 April 1992, p. A22.

²²⁹ cited in Don Oberdorfer, "The Path to Intervention," *Washington Post* 6 December 1992, p. A1, A35.

²³⁰ Mohamed Sahnoun, "The Missed Opportunities," p. 39, 53.

²³¹ Mohamed Sahnoun, "The Missed Opportunities," p. 39.

Kittani's report to Secretary-General Boutros Ghali formed the basis of a letter to the Security Council that set the stage for the Somalia intervention. In fact, some believe that it was precisely Sahnoun's objection to the use of force without the prior consent of the various faction leaders that led to his dismissal.²³² The letter, dated 24 November 1992, describes the increasing intransigence of Aideed *prior* to Kittani's arrival: Aideed's declaration that the Pakistani battalion already deployed in Mogadishu was no longer welcome; his expulsion of the UNOSOM Coordinating Officer of Humanitarian Assistance, Mr. Bassiouni, on the basis that the latter's security could not be guaranteed; and, most significantly, his outright rejection of any non-consensual UNOSOM deployments.²³³ Even after Kittani's arrival, the letter asserts that Aideed and Mahdi continued to obstruct not only U.N. deployments, but also the delivery of humanitarian assistance. Boutros Ghali concludes his letter by declaring, "I am giving urgent consideration to this state of affairs and do not exclude the possibility that it may become necessary to review the basic premises and principles of the United Nations effort in Somalia."²³⁴

The basic principles of the UNOSOM operation were in fact reviewed and, finding the situation in Somalia to be "intolerable," Boutros Ghali was asked to propose new options. In a letter to the Security Council dated 29 November 1992, Boutros Ghali offered five suggestions.²³⁵ The first option, consisting of renewed attempts to deploy the previously agreed to troops "guided by the existing principles and practices of United Nations peace-keeping operation." Boutros Ghali concluded, however, that the situation in Somalia had "deteriorated beyond the point at which it is susceptible to the peace-keeping treatment." The second option, withdrawal of military forces leaving the humanitarian agencies to negotiate their own security, was also rejected by Boutros Ghali. He declared, "the Security Council has no alternative but to decide to adopt more forceful measures to secure the humanitarian operations in Somalia." The third option consisted of a show of force in Mogadishu, but was deemed inadequate to affect the situation positively. As his fourth option, Boutros Ghali proposed a "country-wide enforcement option undertaken by a group of member States authorized to do so by the Security Council. In the end, this was the option selected, with the United States leading a multi-national force to "Restore Hope" to Somalia. Boutros Ghali, however, clearly preferred the fifth option, which he regarded as "consistent with

²³² Personal Interview with Alex De Waal, Co-Director of *African Rights*, London: 29 June 1994.

²³³ U.N. Doc. S/24859, "Letter Dated 24 November 1992 From the Secretary-General to the President of the Security Council," (27 November 1992) p. 1.

²³⁴ U.N. Doc. S/24859, p. 5.

²³⁵ U.N. Doc. S/24868, "Letter Dated 29 November 1992 From the Secretary-General to the President of the Security Council," (30 November 1992).

the recent expansion of the Organization's role in the maintenance of peace and security and which would strengthen its long-term evolution as an effective system of collective security." Consisting of a "country-wide enforcement operation to be carried out under United Nations command and control," such an approach was regarded as too ambitious given the U.N.'s limited practical experience in military activities and the reluctance of government leaders to place their troops under U.N. command. In any event, on 3 December 1993, the Security Council passed resolution 794, authorizing the use of "all necessary means to establish as soon as possible a secure environment for humanitarian relief operations in Somalia," and thus beginning the first ever Chapter VII operation in support of a humanitarian emergency.²³⁶

Even before the U.S. troops landed, however, a controversy was brewing over the precise mandate given the "UNITAF" forces. Resolution 794 outlined three basic goals for the operation: to open and secure the main ports of Mogadishu and Kismayu; to open supply routes into the interior; and to prepare the way for, in Boutros Ghali's terms, "a return to peace-keeping and post-conflict peace-building."²³⁷ What was unclear was whether any of those three tasks, or the more general task of creating a "secure environment" meant disarming the Somali faction leaders. For Boutros Ghali, the answer was clear: "Disarmament is very important to provide the security which will allow us to replace the unified command with a peace-keeping operation... The point of view of the Security Council is that disarmament is a prerequisite."²³⁸ For the U.S. military commander in Somalia, General Johnson, the U.S. mandate was also clear: "Someone has to change my mission before we tackle that one."²³⁹ In the end, the U.S. was forced into a quasi-disarmament policy: confiscating heavy weapons, seizing weapons carried openly in the street and issuing permits to those protecting relief agencies. The result of this policy was to create a situation of relative security in areas held by UNITAF forces, but to heighten the insecurity outside these regions.

The failure to begin a serious disarmament program meant that while UNITAF succeeded in alleviating the initial humanitarian problems, the long-term sources of instability remained unaddressed. Contributing to the problem of arms was the U.N.'s inability to provide economic incentives that would have induced the feuding militias to pursue more peaceful employment. U.S. Special Representative, Robert Oakley, repeatedly criticized the U.N. for "dragging its feet"

²³⁶ U.N. Doc. S/Res/ 794 (3 December 1992).

²³⁷ U.N. Doc. S/24868, p. 6.

²³⁸ see Jane Perlez, "Must the U.S. Strip a Land of Guns?" *New York Times* 15 December 1992, p. A1.

²³⁹ see Jane Perlez, "Must the U.S. Strip?" p. A1.

in the deployment of the follow-on peace-keeping mission.²⁴⁰ Yet, the simple fact was that the United Nations was nowhere near ready to undertake on its own the kind of operation it intended for Somalia. When it finally took over, in May of 1993, the "seamless transition" between the UNITAF and UNOSOM II mission was not to be found.

Nevertheless, the UNOSOM II operation became the first ever Chapter VII peace-enforcement operation conducted under the leadership of the Secretary-General. The resolution stated that the Secretary-General's special representative would "assume responsibility for the consolidation, expansion, and maintenance of a secure environment throughout Somalia" with the overall goal of providing "humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation."²⁴¹ When resolution 814 was passed, the U.S. representative to the United Nations, Madeleine Albright, declared: "With this resolution, we will embark on an unprecedented enterprise aimed at nothing less than the restoration of an entire country as a proud, functioning and viable member of the community of nations."²⁴²

Conclusion

As the resolutions and activities of the United Nations in Somalia attest, there have been significant developments in international law and practice since even the early post-Cold War era. Unfortunately, some of the precedential value may have been forgotten in the wake of the UNOSOM II tragedy. The hasty decision to brand Aideed a criminal, tainted not only the purported humanitarian nature of the UNOSOM II mission, but of the earlier UNITAF operation. The purpose of the final chapter is to determine what kind of legal and practical precedents have been established by the intervention in Somalia.

²⁴⁰ see John Lancaster, "U.S. Beginning Pullout From Somalia," *Washington Post* 19 January 1993, p. A1.

²⁴¹ U.N. Doc. S/Res/ 814 (26 March 1993) p. 4.

²⁴² cited in John R. Bolton, "Wrong Turn in Somalia," *Foreign Affairs* 73(No. 1, 1994), p. 62.

Chapter 3

Somalia: Harbinger of a New World Order?

The purpose of this chapter is two-fold: to examine the impact of the Somalia intervention on the development of the concept of humanitarian intervention; and to assess its implications for the evolution of international society. Accordingly, it begins by examining the lessons learned from the international experience in Somalia according to the four criteria for post-Cold War intervention as outlined by Jack Donnelly in Chapter One. In order to fully discuss the post-Cold War world, the three case studies introduced at the beginning of Chapter Two will also be included. In addition, reference will be made to the more recent international response to Haiti and Rwanda. From this discussion of humanitarian intervention, the discussion will be broadened to examine the implications of post-Cold War "humanitarianism" for the evolution of international society. Here the essay will return to Martin Wight's three traditions of inquiry into the nature of international relations: revolutionary cosmopolitanism; realist anarchy; and the rationalist compromise.

A. Post-Cold War Humanitarian Intervention

In Chapter 1, Jack Donnelly's asserted that 'states will act' in the face of gross violations of human rights when four criteria have been satisfied: (i) the absence of Cold War rivalry; (ii) when considerable self-interested motives can also be advanced; (iii) an unusually high level of public interest; and (iv) the prospects of significant opposition to the intervention appear minimal. Examining these criteria in the context of the Somali intervention offers important insights into the future of humanitarian intervention.

Absence of Cold War Rivalry

With the passing of the bi-polar era, new possibilities for cooperation have presented themselves. Perhaps most revolutionary are the advances represented by Somalia in the legal and theoretical realm after the Cold War. Resolution 794 reflects the evolution of the international community to a greater degree of solidarity than evidenced during the Cold War or the 19th century. Recall that the key legal argument advanced by the Cold War revolutionists was the

existence of two 'major purposes' in the United Nations Charter: the maintenance of peace and the protection of human rights. As Michael Reisman argued, there is an "intimate nexus" between violations of human rights to threats to international peace and security.²⁴³ While during the Cold War such a proposition may have seemed like 'doctrinal manipulation,' Resolution 794 endorses the 'major purposes' approach. It states: "the magnitude of the human tragedy caused by the conflict in Somalia... constitutes a threat to international peace and security."²⁴⁴ The fact that resolution 794 was passed unanimously bears emphasis. China, who usually abstains from resolutions authorizing the use of force against member states—as it did during the passage of resolution 688 authorizing 'Operation Provide Comfort' for the Kurds in 1991—supported the resolution. India, who also abstained from resolution 688 and whose deletion of references to humanitarian intervention after its actions in East Pakistan in 1971 distinguished it as an opponent of humanitarian intervention, supported the Somalia resolution. Zimbabwe, who voted *against* resolution 688, supported resolution 794. For the first time in history, the 'Western' world, Russia, China, the Non-Aligned Movement and Africa all agreed on the need to use force to uphold minimum standards of humanity.

By deciding that the situation *inside* Somalia represented a threat to international peace and security resolution 794 marks a significant development from earlier interventions in Liberia, Iraq and Yugoslavia. The latter three situations had clear potential for disrupting the regional peace and, if unchecked, leading to a wider conflict: Liberia's neighbours Ghana, Gambia and Sierra Leone all had dissidents who were known to be working with Charles Taylor's NPFL;²⁴⁵ the threat of a "Balkan War" involving the Greeks was so palpable as to warrant "preventive deployments" of Western troops in Kosovo and Macedonia; and for Turkey and Iran, both of whom have significant Kurdish minorities, the refugees were clearly a potentially destabilizing factor. In Somalia, however, the presence of refugees did not pose as severe a threat to regional stability. True, there were significant numbers of refugees, but international humanitarian assistance alone *could have* coped with the situation. From this evidence, one can conclude that the phrase

²⁴³ See Reisman, "Humanitarian Intervention to Protect the Ibos," p. 171.

²⁴⁴ U.N. S/Res/794 (3 December 1992) p. 1.

²⁴⁵ See *Africa Watch*, "Liberia: Waging War to Keep the Peace," p. 7.

"international peace and security" has become quite elastic since the Cold War, when it was primarily interpreted as triggered by actual cross-border aggression.

Also in terms of the post-Cold War world, resolution 794 reflects the culmination of efforts at the General Assembly to (i) effect greater respect for humanitarian law and (ii) require the consent of the "government." While the right of non-combatants to neutral humanitarian relief has long been enshrined on paper, the international community's action in Somalia represents the first time that this right has been *enforced*. In addition, the resolution makes specific reference to "reports of widespread violations of international humanitarian law," indicating a subtle transformation of the concept of humanitarian intervention.²⁴⁶ Whereas international human rights have served as the theoretical basis for intervention, the emphasis on humanitarian law may indicate a more specific future direction for the concept's evolution. Two implications arise from a shift to humanitarian law: first, the provision of humanitarian relief is a more limited goal than the direct confrontation of a government engaging in deliberate violations of human rights; and second, the military requirements will be smaller. The French intervention in Rwanda represents, perhaps, a future model of such "humanitarian interventions:" only 2,500 troops were involved in the establishment and protection of safe-havens. Similar operations might well be within the capability of a United Nations rapid reaction force. Resolution 794 also endorses the liberal interpretation of General Assembly resolution 46(182) which did not specify that the *government* was the sole source of a legitimate request for outside assistance. The Somalia resolution states that it is "Responding to the urgent calls from Somalia for the international community to take measures to ensure the delivery of humanitarian assistance..."²⁴⁷ The ambiguity of the phrase "from Somalia" in the resolution is not dispelled by the presence of Ms. Hassan as the "representative of Somalia" in the final deliberations prior to resolution 794's passage.²⁴⁸ As the earlier discussion has shown, Somalia had no government since Barre's ouster in January of 1991. And this fact brings us to the heart of the matter: how important is the fact that Somalia had no government to consent to the intervention?

²⁴⁶ S/Res/794 (1992) p. 2.

²⁴⁷ S/Res/794 (1992) p. 2.

²⁴⁸ U.N. S/PV. 3145 (3 December 1992) p. 2.

Prior to resolution 794, the Security Council had made a point of requesting the consent of the government of Yugoslavia and of the warring factions in Somalia prior to imposing an arms embargo and, more importantly, prior to deploying peace-keepers. From the security council debates on resolution 794, two important conclusions may be drawn. First, the absence of a recognizable government in Somalia seems to have been a decisive element in the decisions of China, India and Zimbabwe to support the resolution.²⁴⁹ Chinese Ambassador Li, for example, stated that "the long-term chaotic situation result[ed] from the present lack of a Government in Somalia." Indian Ambassador Gharekhan noted that resolution 794 "recognizes the uniqueness of the Somali crisis: [t]he rapidly deteriorating and extraordinary situation, with no Government in control, demands an immediate and exceptional response..." The emphasis of the uniqueness of Somalia reached feverish proportions in the opinion of Mr. Mumbengegwi, Ambassador of Zimbabwe and spokesperson for the Non-Aligned Movement: "the question of Somalia is a unique situation that warrants a unique approach. However, any unique situation and the unique solution adopted create of necessity a precedent against which future, similar situations will be measured." In the wake of resolution 794, perhaps the most that can be said about its precedential value is that in closely analogous situations, that is, where no recognizable government exists, the international community may intervene to uphold minimum standards of human decency.

Such a contention is supported by the international involvement in Iraq. When the coalition forces established safe-havens in northern Iraq, Saddam Hussein was very much in power. Yet the safe-havens were announced 2 days *prior* to Iraqi consent in the 18 April 1991 Memorandum of Understanding. Does the intervention in Iraq, therefore, offer a legal precedent for a "classic" humanitarian intervention? Not exactly. Resolution 688 never explicitly authorized the creation of safe-havens, only insisting that Iraq "allow immediate access by international humanitarian organizations to all those in need of assistance." The decision to create the camps was taken unilaterally by the coalition forces, based on a somewhat suspect interpretation of resolutions 678 and 688. The Security Council debates on resolution 688 suggest that the provision of humanitarian relief was the limit of acceptable action. China, for example, stated that Article 2(7)

²⁴⁹ U.N. S/PV. 3145 (3 December 1992): p. 16 (China), p. 49 (India), p. 7 (Zimbabwe).

of the Charter meant that "the Security Council should not consider or take action on questions concerning the internal affairs of any State."²⁵⁰ India, who also abstained, noted

Our endeavor was to focus the attention of the Security Council on the aspect of the threat or likely threat to peace and stability in the region rather than on the factors that have created the present situation. We believe that the Council should have concentrated on the aspect of peace and security, which is its proper mandate under the Charter, and left other aspects to other, more appropriate organs of the United Nations.²⁵¹

In addition to these objections, one must also consider the actual application of the safe-havens on the ground. The coalition did not target the repression itself, nor did they seek to change the Iraqi government and thereby eliminate the source of the repression. In fact, the coalition offered repeated statements that it had no desire to undermine Iraqi sovereignty by forcibly creating an independent Kurdish state. What the safe-havens approach suggests, therefore, is an increased recognition of the right to receive humanitarian assistance, something confirmed by the intervention in Somalia.

A second conclusion arising from the passage of resolution 794 concerns the manner by which such approval was secured. As Zimbabwean delegate Mumbengegwi stated, "An effort can be construed as international only if the United Nations is at its centre. This draft resolution... places the Secretary-General at the controlling centre of the operation." Mumbengegwi goes on to outline the three essential criteria for an 'international action:'

Zimbabwe attaches a lot of importance to the idea that in any international enforcement action the United Nations must define the mandate; the United Nations must monitor and supervise its implementation; and the United Nations must determine when the mandate has been fulfilled. This [resolution] sets an important precedent for future operations under equally unique circumstances.²⁵²

While the Zimbabwean Ambassador may have been overly optimistic regarding the extent of the Secretary General's oversight powers, the three conditions he describes do seem to reflect the requirements necessary for endorsement by the *entire* international community. Moreover, the Indian delegation expressed its preference for the fifth and most ambitious option proposed by the Secretary General, that is, "an operation carried out under United Nations command and control."²⁵³ The Chinese delegation also expressed its "reservations" about "authorizing certain

²⁵⁰ Cited in Nigel Rodley, "Collective intervention to protect human rights and civilian populations: the legal framework," in *To Loose the Bands of Wickedness*, Nigel S. Rodley ed., p. 29.

²⁵¹ Cited in Nigel Rodley, "Collective intervention to protect human rights," p. 30.

²⁵² U.N. S/PV. 3145 (3 December 1992): pp. 7-8.

²⁵³ U.N. S/PV. 3145 (3 December 1992): p. 50.

countries to take military actions, which may adversely affect the collective role of the United Nations."²⁵⁴ Increasingly, this preference for United Nations command and control of enforcement operations seems to be the *ideal* against which all enforcement operations will be judged. After Somalia, and in light of Haiti and Rwanda, the ideal seems to be increasingly idealistic: the norm seems to be the United Nations "authorizing certain countries to take military actions." Such a trend, as the Chinese Ambassador noted, may prove detrimental to the legitimacy and effectiveness of the United Nations.

Given this marked preference for U.N. endorsement of an intervention, can we conclude that the days of unilateral action are passed? Not exactly. The Nigerian-led intervention in Liberia, for example, suggests that unilateral interventions may still occur. In addition, the French intervention in Rwanda was finally approved by the Secretary-General, at least in part, when it became clear that the French were prepared to go with or without U.N. blessing. Evidently, the Secretary-General decided that the potential damage to the U.N.'s legitimacy posed by inaction was greater than that posed by authorizing the French mission. More importantly, however, the present climate of cooperation between the West, Russia and China is not guaranteed. Russia dusted-off its veto in 1993 when it rejected a proposal that the costs of the peace-keeping operation in Cyprus be assessed according to standard practice, that is, no longer on a voluntary basis. While not an instance of Russian opposition to a crucial U.N. proposal, the Russian veto served notice that the honeymoon between the West and Russia might some day be over. Moreover, Chinese cooperation at the Security Council is far from guaranteed. Increasingly, China seems to have become the bridge over the "North-South Divide," that has replaced the U.S.-Soviet antagonism of the Cold War period. Increasingly, it will be this conflict between the developed and developing nations that defines the degree of solidarity in international society.

Post-Cold War Motives

Jack Donnelly's second criteria for post-Cold War intervention, the presence of considerable self-interested motives, also contains some important lessons in light of the Somalia intervention.

²⁵⁴ U.N. S/PV. 3145 (3 December 1992): p. 17.

As the first chapter noted, interventions characterized as "humanitarian" were often motivated by geo-strategic, economic and ideological imperatives. In Somalia, however, none of these motives were present. On Somalia's geo-strategic importance, Robert Weil writes, "Situated at the bottom of the Red Sea, on the Gulf of Aden, right across from Yemen and Saudi Arabia, the Horn of Africa remains critical to the stability of the oil-bearing region which the United States defines as most vital to its interests, and over which it most recently fought the Gulf War."²⁵⁵ Unwittingly, Weil's argument contains the seeds of its own refutation. As Jeffrey Lefebvre declares, in a study written prior to the Somalia intervention:

While the United States appreciated Somalia's... political support at the Arab League and the United Nations during the Gulf crisis, the war highlighted the fact that, strategically, regional threats to U.S. interests could be handled without using the military facilities in the Horn... in the event of a serious military threat in the Persian Gulf, everything was opened up to the United States, negating the importance of Berbera.²⁵⁶

The Somali port of Berbera was never used during the build-up or the actual conduct of war against Iraq. In fact, the port was simply stripped of its useful resources. A more important ally, Turkey, granted the United States permission to fly sorties from bases on its territory and Saudi Arabia, for its part, 'invited' the United States to deploy ground troops on its territory. Moreover, after the Gulf War it was with Oman that the U.S. signed a ten year base-access agreement, while past agreements with Somalia and Kenya were allowed to lapse.²⁵⁷ Turning to economic motives, skeptics have also highlighted the motivation of securing access to Somalia's oil. The *L.A. Times* published an article by Mark Fineman reporting "the close relationship between Conoco and the U.S. intervention force" which used the oil company's Mogadishu headquarters as a "de facto U.S. embassy."²⁵⁸ Another report raised the concern that Robert Oakley's move into the Conoco compound "left everyone thinking the big question here isn't famine relief but oil—whether the oil concessions granted under Siad Barre will be transferred if and when peace is restored."²⁵⁹ Of Somalia's oil reserves, Ossman Hassan Ali, closely connected to Aideed, has stated "The chances of finding oil are very high. There are encouraging signs. They have drilled several wells, and

²⁵⁵ Robert Weil, "Somalia in Perspective: When the Saints Go Marching In," *Monthly Review* 44 (No. 10 March 1993) p. 3.

²⁵⁶ Jeffrey Lefebvre, *Arms for the Horn*, p. 270.

²⁵⁷ Jeffrey Lefebvre, *Arms for the Horn*, p. 270.

²⁵⁸ Fineman, Mark, *L.A. Times*, 18 January 1993 cited in *Extra!* March 1993, p. 11

²⁵⁹ Cohen, Mitchel, "Somalia: The Cynical Manipulation of Hunger," *Z Magazine*, 6(11) November 1993, p. 34

some have shown oil, but the commercial value must be evaluated. There is no proof yet."²⁶⁰ While *someday* Somalia's oil reserves may become valuable enough to be developed, the Persian Gulf War has secured, for the foreseeable future, U.S. access to cheap oil from far more reliable sources. On the ideological front, the Cold War's passage has meant the end of U.S.-Soviet rivalry, but has also resulted in wary, suspicious glances at Islamic fundamentalism. Some skeptics of the U.S. intervention in Somalia, see that nation as a useful breakwater against the rising tide of fundamentalism in such places as the Sudan.²⁶¹ On the Sudan a senior Clinton official recently stated, "There is no thought being given by the U.S. or anyone else in the international community to introducing troops... Instead our strategy is to increase international pressure on the Government of Sudan."²⁶² While Islam has been demonized in the West for centuries, it does not seem ready to replace communism as the central focus of U.S. foreign policy, much less justify the Somalia intervention. In fact, in the broader context of U.S. post-Cold War Africa policy, the more common nature of U.S. involvement on the continent has been termed 'cynical disengagement' by Michael Clough.²⁶³

Is the absence of considerable geo-strategic motives in the Somalia intervention representative of post-Cold War interventions in general? It does appear to be true in the cases of Haiti and Yugoslavia. Even in the Liberian and Rwandan interventions, the motivations seem to have been other than geo-strategic. While the relationship between Liberian President Doe and Nigerian President Babingida has been stressed as an important factor in the ECOMOG intervention, Nigeria's ability to rally other West African states does tend to militate against pure self-interest. The French intervention in Rwanda, however, is based on a more complicated history. For three years, between 1990 and 1993, the French government had actively supported the Hutu regime. At the height of French support, 700 French paratroopers were working side-by-side with the Habyarimana regime.²⁶⁴ In addition, France equipped the Rwandan government's

²⁶⁰ see Geoffrey York, "Why the U.S. Really Cares About Saving Somalia," *Globe and Mail* 27 January 1993.

²⁶¹ Robert Weil, "Somalia in Perspective," p. 3.

²⁶² Steven Greenhouse, "U.S. Asks U.N. to Condemn Sudan on Bombings," *The New York Times*, 26 February 1994, p. 3.

²⁶³ Michael Clough, "The United States and Africa: The Policy of Cynical Disengagement?" *Current History* 91(No. 565, May 1992) p. 193.

²⁶⁴ see Marie-Pierre Subtil, "French Blamed in Rwanda's Nightmare," *Guardian Weekly* 19 June 1994, p. 19.

military during this period, preventing the minority Tutsis from succeeding in their 1990 invasion from Uganda. And when Habyarimana suddenly died in a plane crash, France sent paratroopers to rescue his family. Based on this past relationship, many have argued that the French were merely looking after their Hutu allies when they intervened in 1994. Clearly, however, France was willing to intervene much earlier and would have if not for international suspicion of its motives. The rapid withdrawal of the French, in spite of widespread urgings to the contrary, seems to indicate that the intervention was to a large degree motivated by humanitarian considerations. Comparatively, the creation of safe-havens in Iraq, coming as it did in the wake of the Persian Gulf War, has suffered as a potential precedent because of its association with the war. Many regard the imposition of safe-havens as "victor's justice," a temporary suspension of sovereignty to the dictates of the victorious coalition. In addition, George Bush's 15 February 1991 speech in which he suggests that an overthrow of Saddam Hussein would be regarded favourably, also undermines the altruism of the creation of safe-havens.

Having rejected the three 'selfish' motives for the U.S. intervention in Somalia, does this case qualify as the first instance of altruistic "humanitarian" intervention? Certainly it was far less selfishly motivated than Cold War interventions, but the intervention itself demonstrates the inherent dangers of, as Jim Hoagland suggests, "doing the right thing for the wrong reasons."²⁶⁵ In this case, the wrong reasons have less to do with Somalia than what Somalia could do for the United States. In increasing importance, three motives for the intervention can be discerned: the personal motives of President Bush himself; the need to formulate new roles for the United States military; and finally, the lingering guilt from inaction on Bosnia. While *The Washington Post* correctly asserts that "[i]t trivializes what Mr. Bush is doing to suggest that he is reaching for the commander in chief's last tour at the helm,"²⁶⁶ Bush's personal motives reflect the convictions of someone determined to ensure that the United States remains internationally engaged. Amidst assertions that 'We won the Cold War,' Bush declared that the United States, as the lone superpower, bore certain responsibilities of leadership:

²⁶⁵ Jim Hoagland, "On Somalia, A Mysterious Decision," *The Washington Post*, 3 December 1992, p. A21.

²⁶⁶ "Operation Restore Hope," Editorial. *The Washington Post*, 6 December 1992, p. C6.

A world once divided into two armed camps now recognizes one sole and pre-eminent power, the United States of America. And they regard this with no dread. For the world trusts us with power—and the world is right. They trust us to be fair and restrained; they trust us to be on the side of decency. They trust us to do what's right.²⁶⁷

Based on this sense of responsibility, in the run up to the 1992 Presidential elections Bush declared that the primary foreign policy objective of the United States would be to "find a way to maintain popular support for an active foreign policy and a strong defense in the absence of an overriding single external threat to our nation's security and in the face of severe budgetary problems."²⁶⁸ It is crucial to understand Bush's sense of moral responsibility and his desire that the United States remain engaged in order to understand why the United States first went to Somalia. As aides to President Bush told Michael Wines of *The New York Times*, Bush saw "a chance to exit with an example of America's global responsibility in a fragmented world."²⁶⁹

Bush's desire to maintain a strong defense dove-tailed nicely with General Colin Powell's vision of the Pentagon's future.²⁷⁰ Throughout 1992, though in the background of such momentous international events as Russia's transition to democracy and the Bosnian crisis, the Pentagon was busily preparing its triennial vision of the future of U.S. military. On 16 February 1992, however, a disillusioned Pentagon staffer released to *The New York Times* a draft document outlining the Pentagon's vision of future threats to U.S. security and the commensurate force strengths necessary to meet these challenges.²⁷¹ Comprised of seven conflict scenarios described as 'illustrative, not predictive,' critics were inclined to denounce them as "incredibly unlikely" and as evidence that the Pentagon was more concerned about sustaining "robust military spending."²⁷² "[T]he striking thing about the Pentagon list," as Leslie Gelb remarks, "is how far its planners had to stretch to come up with any plausible threats."²⁷³ In the face of a Clinton presidency that had

²⁶⁷ George Bush, "State of the Union Address," Excerpts relating to foreign policy from the State of the Union address to Congress, Washington, D.C., 28 January 1992 reprinted in *U.S. Department of State Dispatch* 2(3 February 1992) p. 73.

²⁶⁸ George Bush, "The Need for an Active Foreign Policy," Excerpts from remarks at the Nixon Library dinner, Washington, D.C., 11 March 1992, reprinted in *U.S. Department of State Dispatch* 2(16 March 1992) p. 211.

²⁶⁹ Michael Wines, "Aides Say U.S. Role in Somalia Gives Bush a Way to Exit in Glory," *The New York Times*, 6 December 1992, p. 12.

²⁷⁰ Michael R. Gordon, "Report By Powell Challenges Calls to Revise Military," *The New York Times*, 31 December 1992, p. A1.

²⁷¹ Patrick E. Tyler, "Pentagon Imagines New Enemies to Fight in the Post-Cold-War Era," *The New York Times* 17 February 1992, p. A1.

²⁷² Erich Schmitt, "Some Senators Say Military Exaggerates Threats of War," *The New York Times* 21 February 1992, p. A7.

²⁷³ Leslie Gelb, "What Peace Dividend?" *New York Times*, Op-Ed, 21 February 1992.

made an election promise to cut the military by as many as 250,000 persons, Powell was galvanized into action. As Linda Hossie writes: "Facing a serious loss of turf, American military planners took a sharp policy turn away from the old criteria for action—increasing U.S. security, for instance—and came up with a new willingness for humanitarian action and peacekeeping."²⁷⁴ More cynically, Eugene Carroll, deputy director of the Center of Defense Information in Washington, declared: "Its mission shopping. We don't have any enemies and we have this Cold War budget... It's a place to go and be seen using these very expensive military resources."²⁷⁵ And seen they were. The arrival of the first U.S. soldiers in Somalia coincided with U.S. television news programs, prompting a French politician to declare "A military escort for an international humanitarian operation must not be made to look like a prime-time television series sponsored by the Pentagon."²⁷⁶ If the Pentagon's reluctance in August of 1992 to intervene in Somalia is recalled, the reversal of its opinion in late November seems a testament to its recognition that the Clinton administration would soon be in power and, in order to maintain a robust military, a use had to be found that fit the new leadership.

It is the third self-interested motive that is most important. In explaining the decision to intervene, Acting Secretary of State Eagleburger offered two reasons: "This is a tragedy of massive proportions and, underline this, *one that we could do something about*. We had to act."²⁷⁷ The intervention in Somalia was, in effect, undertaken because unlike Bosnia, something could be done. To summarize: facing charges of racism from African and Islamic groups abroad and from powerful African-American lobbies at home, George Bush, a genuine moral internationalist, was presented by a Pentagon, seeking new roles in the post-Cold War world a plan to intervene in Somalia. While on the surface, these three motives seem to reflect the impossibility of genuinely altruistic action, more than a damning indictment of the Somalia intervention as selfish act, it is the knee-jerk, *ad hoc*, nature of the intervention that is so dangerous. As Anna Simons, a U.C.L.A. anthropologist studying Somalia, wrote "As the troops and the network anchormen head for

²⁷⁴ Linda Hossie, "A Place For U.S. Troops To Go And Be Seen," *The Globe and Mail* 11 December 1992, p. A19.

²⁷⁵ Cited in Linda Hossie, "A Place For U.S. Troops To Go And Be Seen," p. A19.

²⁷⁶ Jean-Michel Boucheron cited in Alan Riding, "French Fault 'Circus' Coverage of U.S. Arrival," *The New York Times* 10 December 1992, p. A8.

²⁷⁷ Cited in Don Oberdorfer, "The Path to Intervention," *The Washington Post* 6 December 1992, p. A1, A35.

Somalia, I have this feeling—one that has grown with every passing morning new show, talk show and evening newscast—that we Americans literally don't know what we're getting into."²⁷⁸ She could not have been more correct.

An Unusually High Level of Public Interest

This brings up Jack Donnelly's third criteria for post-Cold War intervention: an unusually high level of public interest. What Donnelly could not have foreseen, however, is what has come to be termed the 'CNN effect,' that is, "the ability of CNN to mobilize public support by virtue of footage of horrible events."²⁷⁹ Paradoxically, the Somalia tragedy is the product of both too little attention early on and too much attention too late. For images, especially television images, are a double-edged sword. As Walter Goodman writes, "The television camera is as blunt as it is powerful; it is a prisoner of its own immediacy."²⁸⁰ In Somalia, television images of wide-spread suffering played an enormous role in rallying public opinion in favour of intervention yet, at the same time, these same images could not explain the underlying causes of the famine. As Charles Paul Freund argues, "In terms of cause and effect, the story's narrative is backwards: this is, in other words, a story defined by its emotional impact:"

But the actual factors shaping this tragedy become extremely fuzzy almost immediately. Few people are interested in the internal politics of Somalia, and not one person in a thousand is likely to be able to tell you, after a week of discussion about American intervention, who these warlords are, how many are competing for power, what if anything any of them stand for politically, how well armed they are...[or] what might make them stop fighting amongst themselves... It's as if Somalia's tragedy were a natural disaster without perpetrators.²⁸¹

While the generosity of the international community can be incredible, a phenomenal amount of public education is required in order to maintain the initial support. In the post-Cold War world, as David S. Broder observed, "Clinton has the challenge of introducing Americans to a world of ethnic conflicts where most of us are utterly at sea."²⁸² Without sufficient public education of the political realities and the potential risks involved, the awesome power of television images might

²⁷⁸ Anna Simons, "Our Abysmal Ignorance About Somalia," *The Washington Post* 6 December 1992, p. C7.

²⁷⁹ Barry Posen in House Committee on Armed Services. "The Use of Force in the Post-Cold War Era," p. 31.

²⁸⁰ Walter Goodman, "Re Somalia: How Much Did TV Shape Policy?" *The New York Times*, 8 December 1992, p. C20.

²⁸¹ Charles Paul Freund, "Images From Somalia: Reality, Rationalization and Politics," *The Washington Post*, 6 December 1992, p. C3.

²⁸² David S. Broder, "The Q-Word," *The Washington Post*, 7 April 1993, p. A27.

turn on the intervening state. This is precisely the lesson of Somalia. When the U.S. Rangers suffered huge casualties in the 3 October fire-fight, the television images again rallied public opinion, but this time in favour of getting out of Somalia as soon as possible.

The way out of the dilemma of having "Ted Turner as the new de-facto Secretary of State," argues Thomas Friedman, is to engage in preventive diplomacy and develop criterion for action.²⁸³ Because the crisis in Somalia was presented as 'do-able,' that is, simply getting food to the hungry, the United States public was never prepared to take casualties. As for preventive diplomacy, Edward Luck draws attention to "the difficulty of rallying international public and political support for intervention *before* a crisis escalates and there is substantial loss of life... Preventive measures while less costly, also require a degree of vision and political leadership that is exceedingly rare these days."²⁸⁴ The evocation of sovereignty to ward-off outside pressure and the inability to link the national interest to an 'international interest' suggest that the degree of solidarity extant in contemporary international community is less than might be hoped for. As the international community begins to contemplate humanitarian intervention on a more regular basis—pace Rwanda and Haiti—preventive diplomacy will become the test of the maximum human solidarity in the international community, while humanitarian intervention might indicate the minimum amount that exists.

Prospect of Minimal Retaliation

Donnelly's final criterion—the prospect of minimal retaliation—as we have seen, played a pivotal role in the Pentagon's decision to support Operation Restore Hope. An important component of the Powell Doctrine of "overwhelming force," the Somali intervention demonstrates that it is wholly inappropriate for humanitarian intervention in the post-Cold War world. From their experience in Lebanon, writes Diana Jean Schemo, the U.S. marines learned the danger of having strict rules of engagement that essentially limited them to taking protective measures.²⁸⁵

²⁸³ Thomas Friedman, "Clinton Inherits Conflicts That Don't Follow Rules," *The New York Times*, 13 December 1992, p. E3.

²⁸⁴ Edward Luck testifying before House Committee on Armed Services. "The Use of Force in the Post-Cold War Era," 103rd Congress, 1st Session, 4 March 1993 (Washington: U.S. GPO, 1993) p. 106.

²⁸⁵ Diana Jean Schemo, "Boy's Death in Somalia Tests Uneasy U.S. Role," *New York Times* 20 February 1993, p. 1, 2.

While the U.S. Marines generally carried out their duties in Somalia with restraint, the Marines were involved in several incidents in which questions were raised about the extent of force used and the absence of public inquiries.²⁸⁶ The most prominently discussed such incident involved the shooting death of 13 year old Omar Ahmed Mohammed. According to Somali witnesses, the boy was merely pointing at a Marine's gun with an empty hand when he was shot and killed. Such incidents engendered a great deal of resentment in Somali society. On 5 February 1993, for example, 200 Somali protesters hurled stones at U.S. Marines and burnt tires in a demonstration after a rumour spread that U.S. troops had killed 6 Somalis.²⁸⁷ The important point is not simply that *some* Marines may have acted without the requisite restraint, or that these incidents may have contravened established humanitarian laws, but that these incidents created an atmosphere of suspicion that played into Aideed's hands. With greater transparency regarding the rules of engagement and the inquiries into the deaths of Somali civilians, a greater degree of trust could have been established.

More importantly, however, the precipitate passage of U.N. resolution 837, without a public inquiry, played straight into Aideed's cards. Unlike Mohamed Sahnoun and Robert Oakley, Bob Gosende did not fully understand the relationship between the warlords and his supporters. As Roland Marchal observes, there were two prominent theories about the legitimacy of the warlords: one argued that the warlords were in fact illegitimate, ruling only by the gun and suppressing civil society to their advantage. There is an element of truth to this theory. The second theory argued that these warlords were actually popularly chosen to represent their clans. there is some truth to this as well. John Drysdale, however, effectively describes the symbiotic relationship between the two:

Neither elders nor politicians will independently admit to their inseparability... But the day the politician can no longer deliver what is expected of him, his elders will abandon him. Once established the elder is secure, a constant factor whereas the individual politician can be ephemeral.²⁸⁸

Sahnoun recognized this and sought to ensure civil society was strengthened as a restraint against the warlords. Oakley recognized this and made sure to consult with Aideed and the other faction

²⁸⁶ See, for example, Michael R. Gordon, "Pentagon Says Killing of 2 Somalis May Have Been Accidental," *New York Times* 12 December 1992, p. 6.

²⁸⁷ see *New York Times* (6 February 1993) p. A5.

²⁸⁸ John Drysdale, *Whatever Happened to Somalia?* p. 71.

leaders when carrying out his peace-enforcing operations. Admiral Howe and Robert Gosende, however, tried to isolate Aideed, but made him feel that his position, and that of his clan, were threatened. In this situation, the clan will unify behind the most powerful leader. By demonizing Aideed, UNOSOM II played to Aideed's strength, military might.

In broader terms, the post-Cold War interventions suggest that the degree of resistance expected will be a crucial determinant for where and when humanitarian interventions will take place. Nowhere is this fact in greater evidence than in Bosnia. Fairly early in that conflict, the Pentagon concluded that the only means of overturning Serbian gains was through the massive use of force. But because no "vital national interests" were at stake, the outside world adopted a policy that can only be described as "wishful thinking," hoping to secure a Serbian commitment to peace with minimal risk to their own troops. The interventions in Somalia, Rwanda and Haiti, on the other hand, were seen to involve minimal prospects of successful retaliation and were undertaken, at least in part, because of this perception. From these latter cases, one can propose what seem to be the two criteria for post-Cold War humanitarian intervention: massive (almost genocidal) violence *and* the absence of significant opposition.

These two criteria reflect a significant development in the evolution of humanitarian intervention. Donnelly's four criteria are remarkable for their prescience and for their implicit skepticism of the possibilities for humanitarily-inspired intervention. A mere six years after Donnelly published these four criteria, the ECOMOG intervention in Liberia took place, the first of a series of post-Cold War interventions. After the Somalia intervention, it can no longer be stated as a categorical truth that a massive humanitarian tragedy will be permitted to run its course. Furthermore, the critical outside observer cannot so easily turn to the geo-strategic motives of self-interest to explain away an intervention. At the same time, however, the two new criteria—massive (almost genocidal) violence and the absence of significant opposition—suggest that the post-Cold War international community has only taken its first, and sometimes, faltering steps towards responding to the new potential for concerted action. Consequently, the international

community's response to the collapse of the Somali state contains some valuable insights into the development of international society.²⁸⁹

B. International Society

Revolutionism: The New Interventionists

In the wake of what has come to be known as the "debacle in Somalia," the revolutionary agenda of the new interventionists seemed to be in full retreat. Seemingly leading the charge was one of the principle proponents of post-Cold War peacekeeping, U.S. President Clinton. While in April of 1992, he had declared his support for a U.N. rapid-reaction force "standing guard at the borders of countries threatened by aggression, preventing mass violence against civilian populations, providing humanitarian relief and combating terrorism," by 8 October, just after the deaths of the U.S. Rangers in Somalia, he was announcing that U.S. armed forces personnel would not serve under United Nations command.²⁹⁰ In fact, by May of 1994 when the Clinton administration announced its "Policy on Reforming Multilateral Peace Operations," the United States declared, "The U.S. does not support a standing UN army, nor will we earmark specific U.S. military units for participation in UN operations."²⁹¹ In a further retreat from peace-keeping, the Clinton administration developed a two-tier approach to the approval of new missions. First, in order for a specific operation to be approved by the U.S. at the Security Council, *eight* factors would have to be in place. Atop the list was the requirement that UN involvement advance U.S. interests and that the threat to international peace and security be clearly evident. Additionally, clear objectives, solid financial support and that the duration be tied to realistic criteria for ending the operation. The second tier, that is, the *additional* criteria required for actual U.S. participation, the U.S. announced six other factors, once again led by the need to advance U.S. interests. Two other criteria stand-out: "acceptable" command and control arrangements and the perceived necessity of U.S. involvement for the operations success. In addition, clear objectives, sufficient financial, Congressional and domestic support were also specified. Under these criteria it is

289

²⁹⁰ Elaine Sciolino, "The U.N.'s Glow is Gone," *New York Times* 9 October 1993, p. A1.

²⁹¹ U.S. Government, "The Clinton Administration's Policy on Reforming Multilateral Peace Operations," (Vancouver: U.S. Consulate, May 1994), p. 3.

dubious that any peace-keeping operation would qualify for U.S. participation. Conor Cruise O'Brian, writing in the summer of 1993, clearly captures the nature of the U.S.-U.N. relationship: "The US associates itself with the various UN operations but on its own terms, according to its own agenda and conserving its autonomy."²⁹² In Martin Wight's terms, U.S. peace-keeping policy is guided by realist self-interest.

Yet while the alarm is being sounded in the revolutionist camp, one should be careful not to make too much out of the U.S. position on peace-keeping. While the criteria may seem hopelessly inflexible, in reality they are more pliant, more susceptible to Presidential discretion. A more appropriate avenue of inquiry is to examine the practical underpinnings of the revolutionist argument. Have the domestic realities of the United States changed, making it freer to pursue a policy of *Pax Americana*? Will civil wars cease to erupt? Will people cease to care about the plight of innocent civilians? A more realistic appraisal of the revolutionist program is offered by Boutros Ghali. Following Clinton's 27 September 1993 address to the U.N. General Assembly—in which the President admonished the U.N. for its inability to "say 'no'"—Boutros Ghali declared, "It must be understood that there will be failures as well as successes... The UN is not a magic wand. The problems before us cannot be solved quickly."²⁹³

The crucial aspect of the revolutionist vision is that, by and large, it recognizes the realities of the post-Cold War world. Even the now much maligned "Agenda for Peace" is remarkable for its diagnosis of these needs. Preventive diplomacy, for example, is of fundamental importance to the prevention of crises. In Somalia alone Mohamed Sahnoun cites three occasions when preventive diplomacy had a chance of averting the collapse of the Somali state: after Barre's 1988 massacre of the northern Issaq's, when the Manifesto Group presented its demands to Barre in 1990 and during the 1991 Djibouti conference.²⁹⁴ Moreover, early intervention could have averted the crisis in Yugoslavia and would have resulted in less casualties in Rwanda. The UNITAF intervention also demonstrates the need for post-conflict peace-building in order to secure the initial gains of a humanitarian intervention. Unfortunately, the UNOSOM II experience in Somalia has

²⁹² Cited in, Mats R. Berdal, "Fateful Encounter: The United States and U.N. Peacekeeping," *Survival* 36(Spring 1994), p. 47.

²⁹³ see "Action, Not Talk, Will Define U.S. Foreign Policy," *Africa Report* (November/December 1993) p. 9.

²⁹⁴ Sahnoun, *The Missed Opportunities*, pp. 5-11.

overshadowed the initial, even if limited, successes of humanitarian intervention, resulting in a backlash that could be called the "new non-interventionism."

The New Non-Interventionism

As indicated in the first chapter of this essay, Martin Wight noted the existence of a type of revolutionary that rejects entirely the use of force as a remedy for civil wars. Following the failure of UNOSOM II, this school has gained a new prominence as it has become allied with the resurgent isolationist tendencies in U.S. foreign policy. Richard Falk, whose revolutionism borders on pacifism, makes the argument shared by both kinds of non-interventionists:

Intervention... is never good foreign policy, no matter how appealing the overall humanitarian case seems to be for changing political structure. Even if the intervening side has overwhelming military superiority, it rarely works, and its failure invariably leaves the target society worse off than if the internal play of forces had been allowed to run its course, however destructive and brutal.²⁹⁵

For these non-interventionists, the lessons of Somalia, Haiti and Bosnia can be expressed in a simple formula: "nonintervention is intolerable, but intervention remains impossible." There is both truth and fallacy in this assertion. It is true that overwhelming force does not guarantee success and can, as the UNOSOM II operation demonstrates, become an impediment to the initial humanitarian objectives. Moreover, it is also true that a 'knee-jerk' intervention, without proper understanding, diplomacy or an overall strategy can also easily lead to failure. What the non-interventionists ignore, however, is that a limited amount of force *can* be effective. The initial stages of the interventions in Somalia and Liberia did save lives. The belated French intervention in Rwanda offers another testament to this fact. As the *New York Times* observed, "Grant France this much credit for its risky armed intervention into the genocidal civil war in Rwanda. Some 2,500 French troops moved into Rwanda, saved lives and created a safe area in the southwest, and are now poised to withdraw."²⁹⁶

The Realist Anarchy

As the preceding discussion suggests, the revolutionary age of global cosmopolitanism is hardly on the horizon. The realist postulate of international relations consisting of a "war of all

²⁹⁵ Richard Falk, "Intervention Revisited," *The Nation* 257 (No. 21, 20 December 1993) p. 757.

²⁹⁶ Editorial. "France Helps in Rwanda – So Far," *New York Times* 14 July 1994, p. A16.

against all" is still relevant, though the present "war" is not one of survival but of advancing or defending one's own interests. In terms of humanitarian intervention, the most profound impact of realist politics will be in the determination of where and when to intervene. While many call for the development of principled criteria for humanitarian intervention, the reality is that the process of deciding on intervention is a profoundly political one. Prior to the UNITAF intervention, for example, African and "Southern" states had adamantly demanded more forceful action. Three resolutions were passed, however, before the Security Council authorized a large deployment of peace-keepers. The same political considerations have also been played out in the recent attempts to intervene in Rwanda. There, at U.S. insistence, the deployment of peace-keepers evolved in a two-stage process. First, in late May, the Security Council "approved" a 5,500 peace-keeping force. Almost an entire month passed, however, before the "deployment" of the same peace-keepers was approved.²⁹⁷ Still smarting from its recent experience in Somalia, the United States was not prepared to engage in another peace-keeping operation. More characteristic of Washington's new approach was its attitude to the Yemeni civil war. Again, in the face of pressure from Saudi Arabia for a peace-keeping force, the United States "persuaded the Security Council to authorize merely a regional monitoring force, which would be deployed only after a lasting cease-fire takes hold."²⁹⁸ In response to a Security Council reluctant to authorize new peace-keeping operations, countries will either have to compete for attention with even more vigour or, as the Yemeni experience suggests, increase the effectiveness of regional organizations.

The broader implications of renewed self-interest is that it illustrates a fundamental shortcoming in the development of international society towards greater solidarity. The inability to identify the national interest with the pursuit and defense of the international interest suggests that international relations are still quite anarchical. As the Bosnian crisis indicates, the international interest in defending such established norms such as the right to self-defense against armed aggression can be quite minimal.

The Post-Cold War Rationalist Compromise

²⁹⁷ Editorial. "Rwanda is Waiting," *Guardian Weekly* 19 June 1994, p. 13.

²⁹⁸ Editorial. "Yemen: Risky War, Cautious Response," *New York Times* 5 July 1994, p. A14.

While it may be too early to determine the locus of the compromise between realism's anarchy and revolutionism's solidarity, some indications may be discerned. As mentioned earlier, the development of international society in defense of human rights seems to be limited, at least for the near future, to situations of near-genocidal violence which pose little threat to prospective intervenors. This is the post-Cold War compromise.

Nevertheless, there are signs that R.J. Vincent was correct in his determination that the domestic legitimacy of states will become an increasingly important criteria in international relations. The United States action in Haiti demonstrates that when a democratically elected government is overthrown in a military coup and refuses to yield (even after signing the Governor Island Accord), it risks the prospect of international intervention. Whether such an intervention would occur in a hemisphere other than the American is, however, dubious. In addition, the examples of Rwanda and Somalia indicate that where no legitimate government is deemed to exist, the Security Council may authorize an intervention to restore order without it impinging on the sovereign independence of the state in question. This last point is crucial. The international community has yet to witness a post-Cold War intervention against a sovereign government that is found guilty of gross human rights violations. In fact, in the debate prior to the authorization of the Rwanda peace-keeping force, China objected to the inclusion of any reference to the "genocide" in Rwanda.²⁹⁹

Another conclusion reached by R.J. Vincent is born out by the present study. No matter how strong the cosmopolitan feelings of loyalty seem on the surface, the simple fact is that foreigners are still foreign. This determination has two implications. First, a state's territorial boundaries are still very much the endpoint of political loyalty. In fact, in many states, sub-national loyalties or micro-nationalism, is the defining feature of political life. Most minority groups still regard the sovereign state as their best protection against neighbouring ethnic groups. While these feelings persist, the non-intervention principle will remain a powerful rallying cry. A second implication, also born out by the Somalia experience, is that outsiders have little prospect of rebuilding a modern state which has had almost no successful experience with the Western model.

²⁹⁹ see Editorial. "Rwanda is Waiting."

While it is too early to rule out democracy for Somalia, it may be time to ask whether a strong central government is the most appropriate model to build on. In addition, one might also ask whether the attempts to build a state out of a fundamentally clan-based society represents the best prospects for peace in Somalia.

Conclusion

With the end of the Cold War, the international community was confronted with the need to create a new international order. Having undergone forty-five years of simmering superpower conflict, there existed a tremendous sense of optimism that the next order would be more principled and more just. The concept of humanitarian intervention became one focal point of debate about the shape of the "new world order." The possibility of using force to redress grave violations of human rights proved highly seductive. The international community became engaged in various civil wars, such as in Liberia, Iraq, and the former Yugoslavia. Yet it was in Somalia that the first attempt was made to translate the post-Cold War optimism into a practical demonstration of human solidarity in action.

Returning to this thesis' original hypothesis—if the reasons for a state's collapse are properly understood and if the intervention is timely and effective, then that is evidence for the evolution of international society towards greater solidarity—an interesting relationship emerges between the degree of solidarity in international society and the ability to translate that solidarity into effective action. The intervention in Somalia was not timely, occurring after almost two and one half years of civil war. As for its effectiveness, the short-term alleviation of suffering is undeniable, yet the inability to seize the opportunity provided by the UNITAF intervention had serious long-term implications for the subsequent UNOSOM II operation. The intervention in Somalia, therefore, demonstrates two truths: first, that there exists a considerable degree of solidarity, in terms of genuine feelings of compassion and a desire to improve the lot of others; but, secondly, the actual ability of the international community to translate these sentiments of a common humanity into practical, concrete improvements through the use of force is limited. The intervention in Somalia clearly demonstrates the disjunction between the human solidarity as expressed in legal norms, compared to the inability of national governments to effectively respond to civil crises. As Somalia is unlikely to become the last "failed state," the international community must develop more effective mechanisms of conflict resolution lest the heightened sense of human solidarity following the Cold War be dissipated.

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