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The Efficacy of UN Peacekeeping Missions in the Horn of Africa: Case Studies of Eritrea, Ethiopia, South Sudan, and Somalia

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The Author

List of Acronyms

ABC–Abyei Boundaries Commission
AWSS–Authorized Weapon Storage Sites
CENTCOM–US Central Command
CPA–Comprehensive Peace Agreement
DFS–Department of Field Support
DPKO–Department of Peacekeeping Operations
ECOMOG–Economic Community of West African States Monitoring Group
EPLF–Eritrean People’s Liberation Front
IDPs– Internally Displaced Persons
IFOR–Implementation Force
IGAD–Intergovernmental Authority on Development
MVM–Monitoring and Verification Mechanism
NATO–North Atlantic Treaty Organization
OAU–Organization of African Unity
OIC–Organization of Islamic Conference
OLF–Oromo Liberation Front
ONUMOZ–United Nations Mission in Mozambique
ONUSAL–United Nations Observer Mission in El Salvador
QRF–Quick Reaction Force
TPLF–Tigrayan People’s Liberation Front
TSZ–Temporary Security Zone
MCC–Military Coordination Commission
MINUGUA–United Nations Verification Mission in Guatemala
MINURSO–United Nations Mission for the Referendum in West Sahara
RPG–Rocket Propelled Grenade
SFOR–Stabilization Force
SSDF–Somali Salvation Democratic Front
SNF–Somali National Front
SNM–Somali National Movement
SPM–Somali Patriotic Movement
SPLA–Sudan People’s Liberation Army
UN–United Nations
UNAMSIL–United Nations Mission in Sierra Leone

UNITAF–Unified Task Force

UNMEE–United Nations Mission in Eritrea and Ethiopia

UNAVEM–United Nations Angola Verification Mission

USC–United Somali Congress

UNTAG–United Nations Transition Assistance Group

UNYOM– United Nations Yemen Observation Mission

Chapter One: Introduction

The United Nations (UN) was established in the aftermath of World War II in order to safeguard world peace and security. Not long after its establishment, however, an arms race, the threat of using nuclear weapons, and a rivalry between the Cold War's two ideologically opposed blocs almost crippled it from carrying out its daunting mission of securing peace and security. According to Article 2 of the UN's founding Charter, signed on 26 June 1945:

All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. 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. The member states shall settle disputes peacefully and refrain from using force against the territorial integrity or political independence of any state.¹

This principle follows the League of Nations Covenant, which obliges member states "not to resort to war," and the 1928 Kellogg-Briand Pact, which states, "The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it, as an instrument of national policy in their relations with one another."² Thus, the UN is a forum where states seek diplomatic means for the peaceful resolution of their disputes rather than resorting to the use of force.

Although the UN was founded to prevent war, in particular, after the devastating experiences of the First and Second World Wars, "peacekeeping" is not referred to in the Charter. Chapter VI of the Charter describes how the UN can settle military disputes through non-military means. Chapter VII defines both the military and non-military actions which the UN can take action against threats to international peace. Pursuant to Article 39, it is within the purview of the Security Council to conclude and recommend whether the dispute in question is a threat to peace, a breach of the peace, or an act of aggression, and to authorize an appropriate measures to maintain or restore international peace and security in conformity with Article 41 and 42 of the Charter.³

The Articles of both Chapters permit the UN to deploy personnel if a circumstance so requires. The UN is entitled to take action by virtue of Chapter VI, provided the parties assent

¹ United Nations, UN Charter [http://www.un.org/en/sections/un-charter/un-charter-full-text/Article 2 paras. 3 and 4](http://www.un.org/en/sections/un-charter/un-charter-full-text/Article%20paras.%203%20and%204) signed 26 June, San Francisco, 1945. (accessed on 28 June, 2017)

² Kellogg-Briand Pact, http://avalon.law.yale.edu/20th_century/kbpact.asp (accessed January 16, 2018).

³ United Nations, <http://www.un.org/en/sections/un-charter/chapter-vii/index.html> (accessed August 15, 2017).

to it. These Chapters have been used to deploy troops as a temporary measure to supervise ceasefires and prevent the escalation of violence until a political solution is found. However, during the Cold War, due to the conflicting interests between the two blocs, the Security Council authorised few peacekeeping missions. During this period, the veto of the Permanent Five was frequently used, a measure that had been intended as a last resort. Furthermore, the volatile relationships between states and the constant risk of escalating hostilities between the two superpowers limited the possible scope of UN peacekeeping activities. “Any operations that were mandated,” writes the UN, “needed to meet three guiding principles to reduce the risk of provoking further violence: impartiality, consent and limited force. Although these principles were formed gradually, through practice, in the particular constraining circumstances of the Cold War, they have been adopted as the benchmarks of legitimacy for all peacekeeping operations.”⁴

The end of the Cold War opened a new chapter in UN peacekeeping history. The conflicting interests of the two superpowers and their blocs’ receded, and the nature and magnitude of peacekeeping operations rose to a new level. The new development reinvigorated the Security Council to fulfil its tasks. Furthermore, the proliferation of intra-state wars and the failure of states to protect their citizens triggered the need for more peacekeeping operations. These new developments prompted the UN to engage in more complex and multidimensional operations. The UN started to mobilise peacekeepers in war zones even before peace agreements were signed; this increased involvement was also manifested in peace enforcement for the protection of civilian population. However, the peace enforcement initiative adversely affected the credibility of the UN because of a lack of clear mandates and rules of engagement for operations. At times, the force used was in excess of necessity. On some occasions, peacekeepers disregarded the international humanitarian law. It was at this juncture in its history that the UN deployed a peace enforcement mission to Somalia, one of the war-stricken countries in the Horn of Africa. When the Somali peacekeeping mission transformed into a peace enforcement mission, it aggravated the situation rather than solving it. The UN established the Department of Peacekeeping Operation (DPKO) in 1992 to meet the rising demand for peacekeeping missions in the wake of the Cold War. The new department had the role of redesigning and reforming the traditional peacekeeping activities. The DPKO structure was soon revised, and the Department of Field Support (DFS) was added to the existing department in order to manage

⁴ <http://www.un.org/en/peacekeeping/operations/peacekeeping.shtml> (accessed on 26 June 2017).

logistical activities in the field of operations. The establishment of DPKO and DFS was not a panacea for the problems of UN peacekeeping operations. There was a need for strengthening peacekeeping missions for the attainment of maximum results. Authored by DPKO staff members, The Capstone Doctrine (2008), which augmented and expanded on its predecessor, the Brahimi Report,⁵ marked a further stage in the reform of peacekeeping practices by formalising and codifying a body of previously unwritten peacekeeping principles into a cohesive document. This doctrine aims at regulating and harmonising peacekeeping efforts.

The present research will investigate the efficacy of the UN missions in Somalia (UNOSOM I, UNITAF and UNOSOM II), in Eritrea and Ethiopia (UNMEE), and in South Sudan (UNMISS)

Chapter One will define peacekeeping as a notion, tell how it evolved in different historical phases, provide brief background history in each country prior to the deployment of the UN missions, and outline the structure of the research. Chapter Two will examine the reasons that led the UN to deploy troops in Somalia, and assess UNSOM I, UNITAF, and UNOSOM II in terms of the implementation of the cardinal principles of the UN peacekeeping missions, the relevance of the mandate to the prevailing situation, and the rules of engagement applied. Chapter Three will cover the dynamics of inter-state conflict between Eritrea and Ethiopia, which compelled the UN to deploy a peacekeeping mission, UNMEE, to supervise the cessation of hostilities and the establishment of a buffer zone between the two countries. Emphasis will be put on why and how the mission became crippled. Chapter Four will consider the ongoing peacekeeping mission in South Sudan, UNMISS. Since the operation is still active, the discussion will focus on what has so far been achieved, rather than assess the overall result of the mission. An indication of the mission's success or failure will be examined. Chapter Five will analyse all these missions against the background of the UN peacekeeping principles, the Brahimi Report and Capstone Doctrine. Chapter Six will conclude the research by reflecting on each mission. It will also answer the research questions raised, and recommend improved approaches for future peacekeeping missions.

⁵ In 2000, the Brahimi Report was authored by a panel headed by Lakhdar Brahimi, an Algerian foreign minister who served as a UN diplomat and special envoy in Syria. The Brahimi report was named after him.

1.1. Defining Peacekeeping

“Peacekeeping operations,” scholar Katherine Cox has written, “have been defined broadly as operation(s) involving military personnel, but without enforcement power. Peacekeeping missions are utilised to supervise and monitor peace agreements in areas of conflict. Peacekeeping operations are based on cardinal principles of the UN, i.e., consent, impartiality and limited use force for self-defence. Despite the fact peacekeeping personnel are military, it is beyond their mandate to enforce the peace agreement, special authorisation from SC is needed for enforcement action.”⁶

1.1.1 Peace-making

is a method by which disputes are settled by peaceful or diplomatic means for disputes ensuing at the time of negotiations.⁷ Peacemaking efforts could be accomplished in diverse ways, case in point would be the utilisation of good offices of the UN Secretary-General. Peacemaking processes can also be facilitated by NGOs, prominent personalities, foundations such as the Carter Foundation, or international or regional organisations such as the Intergovernmental Authority on Development. The primary purpose of peacemaking is to reach a peaceful agreement to which both conflicting parties consented.

1.1.2 Peace enforcement

is a dispute resolution approach which applies among other things, military force upon authorisation of the UNSC.⁸ Peace enforcement action is seldom used, and only when a diplomatic and other means of dispute settlement are in vain. Failing the other dispute resolution mechanisms, the SC can decide to implement peace enforcement mechanisms, provided the dispute is a threat to peace, a breach of peace, or act of aggression. Regional organisations and collective defence arrangements are instrumental in implementing the decision of the SC.⁹

1.1.3 Peacebuilding

is a mechanism by which the chance of a conflict flaring up again is mitigated by building the capacity of governmental and non-governmental institutions to sustain and preserve the peace

⁶ Katherine E. Cox, *Beyond Self-Defense: United Nations peacekeeping operations and the use of force*, in *International Peacekeeping*, (ed) Boris Kondoch. Ashgate Publishing, Hampshire. 2007. P 180.

⁷ www.un.org/en/peacekeeping/operations/peace.shtml (accessed July 23, 2017).

⁸ Peace And Security. United Nations Peacekeeping, <http://www.un.org/en/peacekeeping/operations/peace.shtml> (accessed August 15, 2017).

⁹ Ibid.

attained through peacekeeping negotiations or negotiations.¹⁰ The United Nations Department of Peacekeeping asserted that “Peace-building measures address core issues that affect the functioning of society and the State and seek to enhance the capacity of the State to effectively and legitimately carry out its core functions.”¹¹

1.2 Historical Background

In the wake of two catastrophic World Wars, the UN was established to safeguard world peace and security. Since then, the UN has been engaged in many tasks relating to the maintenance of peace and security around the world. After World War II, the world witnessed an arms race and the threat of nuclear war. Regional conflicts were aggravated by the confrontation between the great powers. The rivalry between the two blocs hindered the UN from carrying out its task of securing peace and security. Specifically, the UN’s mandate in peacekeeping missions was hindered by the veto power of the five permanent members of the Security Council, which was used to further the interests of certain of those members.

The absence of war does not mean real peace. In today’s world, threats to peace and security have many incarnations. Because of this, a number of international and regional organisations have been established for security-related, humanitarian, political, and economic considerations.

1.2.1 Peacekeeping Before the UN

In its preamble, the Covenant of the League of Nations obliges the High Contracting Parties – its signatories – not to resort to war. Article 10 of the Covenant, as amended in 1924, obliges member states to sustain the sovereignty and territorial integrity of member states and prevent states from meddling in each other’s internal affairs.¹² As noted above, The 1928 Kellogg-Briand Pact condemned war as a national policy to settle international dispute. The League of Nations was primarily thought of as a forum for diplomatic exchanges and cooperation to facilitate the peaceful settlement of disputes, to diffuse tensions between states, and to undertake collective security enforcement measures.

¹⁰ Ibid.

¹¹ Ibid.

¹² Abbott, Greg, “The Myths And Realities Of Article V.” Texas Review of Law & Politics 21 (1). University of Texas, Austin, School of Law Publications, Inc.: 1, 2016.

1.2.2 Peacekeeping in the Post-World War II International Order

The establishment of the UN was preceded by two catastrophic world wars. In the wake of these wars, the UN was determined to avoid a third World War. Nevertheless, there is no clear indication of peacekeeping in the constituent document, the Charter, of the UN.¹³ Chapter VI of the Charter describes how the UN can settle disputes through non-military means. Chapter VII defines the military and non-military actions which the UN can take in response to threats to international peace, breaches of the peace, and acts of aggression. The provisions of these two Chapters allows the UN to deploy impartial observers, peacekeeping forces, and civilian staffs members in particular situations until a lasting solution is found.

Even if peacekeeping missions are not explicitly mentioned in its Charter, the UN is in a position to establish them to carry out its responsibility of preserving peace and security. The power to establish peacekeeping missions can be implicitly inferred from the powers delegated by its constituent document.¹⁴ Moreover, pursuant to Article 29 of the Charter the Security Council is empowered to institute subsidiary organs for the performance of its functions.¹⁵ As legal scholar Alexander Orakhekelashvili has written, “The council, as an organ enjoying *Kompetenzkompetenz*, that is, the competence to decide on its competence, may itself determine whether such necessity exists.”¹⁶ These power of the Security Council to establish peacekeeping missions must be understood in conjunction with Article 36, 39, 40, 41, and 42 of the Charter. Article 12 of the Charter, empower the General Assembly to establish peacekeeping missions in a condition that the Security Council disagree to fulfil its authority to maintain international peace and security. This principle was declared in Resolution 377, “United for Peace”.

Furthermore, if empowered to do so by the Security Council, the Secretary-General may design and direct a peacekeeping mission.¹⁷ However, such authorisation has not yet been given by the UNSC.

The first peacekeeping operation was the UN Truce Supervision Organization (UNTSO), mandated to monitor an armistice between Israel and its Arab neighbours in May 1948. Similarly, the UN deployed a Military Observer Group to India and Pakistan in January

¹³ Politics And International Studies (polis) - Academia.edu, http://cambridge.academia.edu/Departments/Politics_and_International_Studies_POL (accessed July 23, 2017).

¹⁴ The power is not explicit; however, the peacekeeping operations are derived from the implied power of their Constitution and purpose of UN.

¹⁵ Alexander Orakhekelashvili, *The Legal Basis of the United Nations Peacekeeping Operations*, in *International Peacekeeping*, (ed) Boris Kondoch, Ashagate Publishing, Hampshire, 2007. P. 63.

¹⁶ Ibid.

¹⁷ Ibid.

1949. These two operations are still running today, to prevent incidents from escalating and to provide reliable information.

1.2.3 Peacekeeping during the Cold War

UN peacekeeping operations were instrumental in mitigating the occurrence of conflict between the great powers in their quest to expand their spheres of global influence.¹⁸ During the Cold War, the confrontation between members of the Security Council resulted in few resolutions to authorise peacekeeping missions. As noted above, the veto of the Permanent Five was frequently used, though it had been intended as a measure of last resort. Consequently, few peacekeeping operations were established. Furthermore, the volatile relationships between states and the constant risk of escalating hostilities between the two superpowers limited the possible scope of UN peacekeeping activities.

Any peacekeeping operations that were mandated by the UNSC needed to fulfil three principles to reduce the risk of provoking further violence: impartiality, consent of the parties in dispute, and limited use of force for self-defence. Despite the difficulty caused by the Cold War, these principles metamorphized into a yardstick from which no derogation was admissible.¹⁹ While these principles have been treated more flexibly since the end of the Cold War, they are still given serious consideration by the Security Council when debating the establishment of a new operation.

1.2.4 Peacekeeping in the 1990s

The conclusion of the Cold War signified the beginning of a new era in UN peacekeeping operations. A massive increase in peacekeeping operations, coupled with their reform in nature and approach, took place in the 1990s.²⁰ The end of bipolar politics brought the Security Council back to the business for which it had been conceived.²¹ Furthermore, the increase in civil wars and acts of state violence towards civilians inspired more international involvement. These factors led to a rapid increase in the number of peacekeeping operations

¹⁸ Mats Berdal, *The Security Council and Peacekeeping*, in *The United Nations Security Council and War: The Evolution of Thought and Practice Since 1945*, (ed) Lowe, Roberts, Welsh, and Zaum. Oxford University Press. New York, 2008. P176.

¹⁹ <http://www.globalgovernance.eu/wp-content/uploads/2015/02/GGI-Factsheet-History-> (accessed May 20, 2017).

²⁰ Global Governance Institute Factsheet: History of UN Peacekeeping
<http://www.globalgovernance.eu/press/publications/ggi-factsheet-history-of-un-pe> (accessed August 15, 2017).

²¹ Ibid.

deployed by the UN. During its existence, the UN has deployed 67 peacekeeping operations, of which 49 have been deployed since 1990.²²

As Kings College London Professor of Security and Development Mats Berdal has written, , it was believed that “the removal of Cold War tensions would necessarily result in the restoration of great power unity and, with it, in a revitalised Security Council capable of developing the long-established practices and functions of UN peacekeeping in new and far more ambitious direction.”²³ The Security Council seized the opportunity presented by new developments in world politics to deploy robust and complex peacekeeping operations.²⁴ The end of the Cold War enabled the UN to transform its mission from peacekeeping to peace enforcement to protect civilians at risk when the Security Council granted its authorisation.²⁵ However, as Rebecca Usden and Hubertus Juergenliemk have written, “Enthusiasm for these practices dropped after UNITAF, a US-led intervention in Somalia, which resulted in the death of 18 US soldiers in the Battle of Mogadishu in 1993.”²⁶

Nevertheless, the magnitude of peacekeeping operations increased after the introduction of Agenda for peace in 1992 by Secretary-General Boutros Boutros-Ghali. The report asserted that the need for vibrant organisations for sustainable peace and security otherwise called peacebuilding. The emphasis is to build the capacity of institutions in order to carry out lasting peace endeavours by mobilizing and reintegrating parties in dispute. These robust and complex tasks demand a huge amount of resources.

1.2.5 Peacekeeping in the 2000s and the Renewed Commitment

After the failures of UN peacekeeping missions in Rwanda, Bosnia and Herzegovina, and Somalia, efforts to reform the UN peacekeeping bureaucracy have been underway since the mid-1990s. The landmark panel’s report, the Brahimi Report on the reform of UN peacekeeping missions was commissioned by Secretary-General Kofi Annan in 2000.²⁷ The report recommended several ways to refine and improve UN peacekeeping operations, identifying problems such as limited resources, ambiguous or over-ambitious mandates, and a

²² Global Governance Institute Factsheet: History Of UN Peacekeeping

<http://www.globalgovernance.eu/press/publications/ggi-factsheet-history-of-un-pe> (accessed August 11,2017).

²³ Mats Berdal, “The Security Council and Peacekeeping,” in *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945*, ed. Vaughan Lowe, Adam Roberts, Jennifer Welsh, and Dominik Zaum. Oxford University Press. New York, 2008, p.175.

²⁴ Politics And International Studies (polis) - Academia.edu.

http://cambridge.academia.edu/Departments/Politics_and_International_Studies_POL (accessed July 02, 2017).

²⁵ Ibid.

²⁶ Ibid.

²⁷ Report of the Panel on United Nations Peace Operations (2000). The Brahimi Report was named after Lakhdar Brahimi, Algerian Minister of Foreign Affairs and the chairman of the Panel.

lack of coordination between international bodies. Given the political sensitivity, most, but not all, of the recommendations made by the report were implemented. Furthermore, as recommended by the Brahimi Report, peacekeeping operations (sometimes known as PKOs) have moved from neutrality to impartiality and robustness. Neutrality is a policy of non-interference even when violations occur; violators and the innocent are treated equally. Impartiality means pursuing the mandate without being biased towards any party, even if it is against the wishes of one or more of the parties. It does not mean inaction or overlooking violations. Robustness means a contingent large and strong enough to exert influence and to be capable of defending itself from attack. Finally, immediate relief is no longer the priority of the UN. Instead, “reconstruction, development and sustainable peace have become one of the main concerns of the organisation, which is striving to facilitate peacebuilding.”²⁸ The report emphasised that the Trinity principles – consent, impartiality, and minimum use of force for self-defence – should remain fundamental to any peacekeeping mission.²⁹

Given the continued demand for peacekeeping, and inadequate resources on the part of UN the calls for reformation continued to increase. In 2005, the World Summit passed a number of resolutions regarding peacekeeping operations, as well as development, security, human rights, and the restructuring of the UN.³⁰

The UN reported that “The summit took a unified stance on a broad array of crucial issues including concrete steps towards combating poverty and promoting development to the unqualified condemnation of all forms of terrorism along with the acceptance of collective responsibility to protect civilians against genocide and other crimes against humanity.”³¹ Capitalizing on the summit’s decisions, General Assembly Resolution 60/1 underscored the need for complex and multi-dimensional peacekeeping missions.³²

The 2008 Capstone Doctrine Written by staff members of the Department of Peacekeeping Operations (DPKO), played a pivotal role in augmenting and enriching the traditional peacekeeping principles by distilling them into a unified document.³³ The doctrine focused on boosting peacekeeping activities by creating a conducive environment to operate. In addition to existing traditional peacekeeping principles otherwise called the Trinity

²⁸ How Did The Brahimi Report Improve The Effectiveness Of Un .., <http://www.e-ir.info/2012/09/05/how-did-the-brahimi-report-improve-the-effective> (accessed July 23, 2017).

²⁹ Ibid.

³⁰ http://www.un.org/en/events/pastevents/worldsummit_2005.shtml (accessed 11 August 2017)

³¹ Ibid.

³² Bellamy, Alex and Williams, Paul, *Understanding Peacekeeping*, second edition. Polity Press 2010. Pp. 142-143.

³³ Ibid.

principles: consent, impartiality, and minimum use of force for self-defence, the Capstone Doctrine added three new principles: credibility, legitimacy, and promotion of national and local ownership. The Capstone Doctrine further argued that “the traditional principles of consent, impartiality, and non-use of force except in self-defence should be revisited and augmented. In their place, the draft proposed six new proposals.”³⁴

1. Consent: deployment of Peacekeeping operations has to precede by consent of conflicting parties.

2. Impartiality: while performing the task of peacekeeping the peacekeepers have to be impartial, but not neutral.

3. Restraint in the Use of Force: force is used beyond self-defence only to put a threat to the mission’s mandate at bay and to protect civilians and humanitarian personnel.

4. Credibility: credibility requires readiness to tackle a crisis in due time; well-equipped to take on challenges and eventualities.

5. Legitimacy: legitimacy is based on the legal mandates by the Security Council and consent of the parties in conflict. In order, the missions to be sustained peacekeepers should be well disciplined and local population must be treated with dignity.

6. Promotion of National and Local Ownership: Peacekeepers must instil a feeling of belongingness of the peace process in the local/national population.

Of course, the traditional/Trinity principles, i.e., consent, impartiality, non-use of force except self-defence are not new. While credibility, legitimacy, and promotion of national and local ownership were added in the Capstone Doctrine to augment the previous traditional principles.

The idea of reforming peacekeeping principles encountered strong opposition from countries unwilling expand the scope of UN’s activism. A compromise was reached such that, except the three traditional UN peacekeeping principles the remaining three principles proposed by the Capstone Doctrine Principles remained as “success factors.”³⁵

The World Summit Outcome also formally endorsed the “Responsibility to Protect” (R2P) as a normative concept. It balances states’ sovereignty with their responsibility to protect their citizens. The responsibility to protect citizens could prompt the international community to address genocide, war crimes, ethnic cleansing and crimes against humanity.

³⁴ Ibid.

³⁵ Ibid.

The responsibility to protect employs mediation, early warning mechanisms, economic sanctions, and the authorisation of Chapter VII. The responsibility to protect was declared for the first time in UN resolution S/RES/1973,³⁶ which, in 2011, authorized the use of force to protect the civilian population in Libya.³⁷

The number of peacekeeping missions reached its lowest point in the mid-2000s, owing to Western countries' engagement in Afghanistan.³⁸ Since Western countries are the leading UN peacekeeping fund providers, it was difficult to carry out UN peacekeeping mission while they directed their resources to Afghanistan. The UN could not deploy peacekeepers with inadequate funding and personnel.

1.2.6. Promoting Peaceful Relations

According to Article 11 of the UN Charter, the mandate of promoting peace falls primarily within the jurisdiction of the General Assembly. The Article states that the General Assembly “may consider the general principle of cooperation in the maintenance of international peace and security. Moreover, it may make recommendations with regards to such principles to the Members or the Security Council or both.”³⁹ The General Assembly declaration on peace and security include:

- The A/RES/12/1236 (1957) resolution on peace and neighbourly relations among states;
- The A/RES/2131 (1965) declaration on the inadmissibility of intervention in the domestic affairs of states and the protection of their independence and sovereignty;
- The A/RES/25/2734 (1970) declaration on the strengthening of international security;
- The A/RES/25/2625 (1970) declaration on principles on international law concerning friendly relations and cooperation among states in accordance with the Charter of the United Nations;
- The A/RES/32/155 (1977) declaration on the deepening and consolidation on international détente;

³⁶ It only in Resolution 1973 the Security Council authorized member states “to take all necessary measure” to protect civilians. Previously, Resolution 1970 had urged Libya to stop human rights violations and threatened sanctions.

³⁷ United Nations, UN Security Council resolution S/RES/1973.

³⁸ Politics and International Studies (polis) - Academia.edu, http://cambridge.academia.edu/Departments/Politics_and_International_Studies_POL (accessed August 02, 2017).

³⁹ *Basic Facts about the United Nations*. Department of Public Information, New York. 1992. P 27.

- The A/RES/33/73 (1978) declaration on the preparation of societies for life in peace;
- The A/RES/36/103(1981) declaration on the inadmissibility of intervention and interference in the internal affairs of states;
- The A/RES/36/100 (1981) declaration on the prevention of nuclear catastrophe;
- The A/RES/37/10 (1982) Manila declaration on the peaceful settlement of international disputes;
- The A/RES/39/11 (1984) declaration on the rights of peoples to peace;
- The A/RES/42/22 (1987) declaration on refraining from using force;
- The A/RES/43/51(1988) declaration on the prevention and removal of disputes that affect international peace and security; and
- The A/RES/46/59(1991) declaration on fact-finding for maintenance of peace and security.⁴⁰

In 1980, the Assembly approved the establishment of the University of Peace in San José, Costa Rica, as a specialised international institute for studies, research, and dissemination of knowledge specifically aimed at training for peace. The General Assembly designated the opening day of its regular annual session—the third Tuesday in September—as an international day of peace, to concentrate the efforts of the UN and its member states on promoting and achieving the ideals of peace.

1.3. Hypothesis

The author hypothesises that the unwillingness of warring parties to live up to the agreements they entered into and the inefficacy of the UN peacekeeping forces contributed to the failure of several missions included within the scope of this thesis.

The breaching of peace accords signed by warring parties in the Horn of Africa – in Ethiopia and Eritrea (UNMEE), and in Somalia (UNOSOM I, UNITAF and UNOSOM II) – contributed to the failure of the respective peacekeeping missions. The discontent shown in South Sudan in relation to the peacekeeping mission (UNAMISS) is due to the failure of the government to meet the terms of the agreement and the peacekeepers' deviation from their mandates.

⁴⁰ The General Assembly, Declaration on Fact-Finding by the United Nations in the Field of the Maintenance of International Peace and Security. Resolution A/RES/46/59, 67th plenary meeting: 9 December 1991.

The peacekeeping missions in the Horn of Africa were not able to fulfil their responsibility due to their incapability to execute their mandate.

1.4. Statement of purpose

The author will enquire into how the UN peacekeeping missions have operated in the Horn of Africa (Ethiopia and Eritrea, Somalia, and South Sudan), and what the reasons may be for their failures. Conclusions will be drawn, and proposals for reforming UN peacekeeping missions will be proposed.

1.5. Methodology

This research will examine scholarly literature, books, online sources and other relevant UN documents in relation to peacekeeping operations. In addition, interviews with key Eritrean officials who were mandated to monitor UNMEE in carrying out its mission on the Eritrean side will also be carried out.

1.6. Research Questions

- 1.6.1. What have been the mandates of the UN peacekeeping missions in Ethiopia and Eritrea (UNMEE), in Somalia (UNOSOM I, UNITAF and UNOSOM II), and in South Sudan (UNMISS), and how have they been carried out?
- 1.6.2. What have been the contributing factors to the failure of the missions?

1.7. The Horn of Africa as an Operation Zone

The Horn of Africa is a region that has consistently been ravaged by wars of all sorts. In particular, the countries that will be investigated in this research have witnessed various conflicts of a devastating nature and magnitude that continue to wreak havoc in the lives of ordinary citizens in the region. These situations have been exacerbated by the presence of the incompetent dictatorial and authoritarian leaders, and of ethnic and religious factions, all of which mercilessly aim at gaining access to the region's invaluable natural resources and maintain an iron grip on power. At an international level, the strategic location of the region has not only attracted the interest of great powers but also has made it a playground for their proxy and ideological wars during the Cold War era.

In addition to this, the colonial legacy has also been playing an exacerbating role in this complex mix. The scramble for Africa ended in the late 19th century, creating national identities among multiple ethnic groups that found themselves within colonial boundaries, in contrast to the situation in pre-colonial Africa. The European colonial powers were not concerned about what their arbitrary divisions would mean years later. Soon after decolonisation, colonial boundaries adopted as borders of the new states became the main sources of disagreement and tensions in the impoverished continent, as some countries were left without clear borders and became immersed in ethnic and religious conflicts. Others were left with institutions that were incapable of running the business of government, leading to intra-state and inter-state fighting. Filling the power vacuum became extremely difficult. Not surprisingly, these phenomena cumulatively contributed to the political and societal failure of some countries, such as Somalia.

At this juncture, the role of UN peacekeeping came into play. The UN is mandated, pursuant to its constituent document, to preserve the peace and security of the world. Thus, UNOSOM I and UNOSOM II were deployed to Somalia in the early 1990s. In 2000, the UN deployed another mission, known as UNMEE, on the border between Eritrea and Ethiopia, to monitor the ceasefire between the two countries. In 2011, another mission was sent to South Sudan under the name of UNMISS. Unfortunately, the magnitude of the first three missions was so disproportionate to the scanty resources allocated that they seem to have simply wasted the money contributed by the UN member states and failed without achieving their perceived mandates.

Outside the region, other missions went on for decades. Others are ongoing. Still, others have been terminated without achieving their mandates, and no concrete results on the ground can be seen.

Chapter Two: the UN and the US Peacekeeping Missions in Somalia

2.1. Overview of the Conflict in Somalia

Most African countries were created without due consideration to the ethnic and cultural composition of their people. Somalia, however, is an exception. Its people speak the same language, Somali, follow the same religion, Islam, and belong to the same ethnic group, Somali. Nevertheless, as colonial boundaries were delineated at the convenience of colonisers during the scramble for Africa, Somalia's fate was no different to other countries. The Somali nation was divided into five separate territories. Southern Somaliland and Djibouti came under the occupation of France, Great Britain occupied northern Somaliland, and Italy took possession of Italian Somaliland.⁴¹ The other southern part of Somalia was annexed along with its people by Kenya. The western part, the Ogaden region, is under Ethiopian control.⁴²

Somali people claim their ancestry to two forefathers: Soomaal, whose descendants are the Dir, Darod, and Isaq clans; and Sab clan, whose descendants are the Rahanwein and Digil.⁴³ In a continent ridden with ethnic and religious conflicts, Somalia's unique composition should have been a source of peace and stability. However, that has not been the case. Somalia has unfortunately become a model of chronically incurable inter-clan conflict, famine, state failure, and terrorism. Moreover, the dispersion of ethnic Somalis around neighbouring states continues to engender inter-state conflicts.

In 1960, Italian and British Somaliland merged to form a single independent state known as the Somali Republic. Thus, for the first time in their history, the Somalis who had been subjugated to Italian and British colonial rules became unified under one central government. Unfortunately, other Somalis were left out – those who were incorporated within the boundaries of the British colony of Kenya; those who came under Ethiopian jurisdiction; and those who constituted French Somaliland, today's Djibouti.

Prior to 1960, no central government was recognised in Somalia. The Somalis pursue a nomadic way of life, fending off settlement and control of their clans. As Peter Baxter stated in his book *Somalia: US Intervention 1992-1994*, "indigenous government over a unified Somalia was almost within itself an oxymoron. No unified control had ever taken root

⁴¹ Martin Meredith, *The State of Africa: A history of fifty years of independence* (London: Simon and Schuster UK Ltd, 2006). 464.

⁴² Ibid.

⁴³ Abdisalam M. Issa-salwe, *The collapse of the Somali state: the impact of colonial legacy* (London: HAAN publishing, 1996). 2.

in Somalia.”⁴⁴ From 1960 to 1969, a civilian government governed the newly-established Somali Republic. However, the deeply-rooted inter-clan rivalry and competition for power infested the core of the government. Nepotism and corruption were the norms, as key government posts went to individuals loyal to those in power. The discontent of marginalised groups with the civil government became evident when the President of the Republic, Abdirashid Ali Shermarke, was assassinated by his own police officers. The political void created by the assassination of the president was filled by the army organized under the leadership of Major-General Mohammed Siyad Barre, on October 21, 1969, in a non-violent coup.⁴⁵

In order to ensure his unquestioned autocratic rule, Siyad Barre executed close colleagues and those he considered his main rivals. Worst of all, he poisoned relations between clans. The Majerteen, Shermarke’s clan, reacted in 1978 by unifying under an organisation, the Somali Salvation Democratic Front, to resist the Siyad Barre’s unwarranted sectarian and authoritarian rule.⁴⁶ The northern Somali clan of Isaq followed suit to resist Siyad Barre’s oppressive regime in 1981 by forming the Somali National Movement (SNM). Distressed by developments in every corner of the country, Siyad Barre intensified his repressive actions. The support of Siyad Barre to his father’s clan, Merehans, triggered the Hawiyes clan to form the United Somali Congress (USC) as an umbrella resistance organisation in 1987 in Italy. President Siyad Barre was forced to leave Somalia in 1991 by the unified resistance of major Somali clans. After Siyad Barre, however, there was no improvement in Somalia. Instead, the USC movement split in two, and the sides turned their guns on each other. The contenders, including Mohammad Farah Aidid, Ali Mahdi Muhammad, and other prominent figures in the movement, could not come to a deal to share power. The fight among many clan militias left the country without strong and effective government, and looting, rape, and killing took place unabated in Somalia.

Ali Mahdi, from the Abgal clan of the Hawiye, was elected by the United Somali Congress (USC), in Djibouti in July 1991, as Interim President of Somalia. The appointment of Mahdi encountered fierce resistance predominantly from the Habar Gedir clan of the Hawiye under the faction of General Aidid, both of them having an unquenchable thirst for power at the expense of the country.⁴⁷ Moreover, lack of instituting functioning public

⁴⁴ Peter Baxter, *Somalia: US Intervention, 1992-1994*. Hovortown, Hellion and co, 2013. P 28.

⁴⁵ Issa-Salwe, 76.

⁴⁶ Ghalib, Jama Mohamed. 1995, *The cost of dictatorship: The Somali experience*, New York: Lilian Barber press. P 128.

⁴⁷ Ibid.

institution was evident after toppling of President Siyad Barre regime.⁴⁸ In late 1991, the recognition of Mahdi as a president of Somalia by some states provoked an armed conflict between Mahdi and Aidid militias in Mogadishu which the shock wave reverberated across the country. Despite the peace negotiation initiatives by Organization of African Unity and Organization of the Islamic Conference no concrete agreement was reached. In 1992, Aidid formed a multi-clan coalition encompassing other than his native clans. The alliance brought about the Somali National Alliance (SNA), however, the coalition was short lived.⁴⁹

“The fighting that followed, with clans and sub-clans which were loosely allied, together with the worst drought of the century proved to be a disastrous combination.”⁵⁰ At the peak of the fighting, during a scourging drought, the human death toll reached 300,000, and the disaster affected more than three million people.⁵¹ The southern part of the country was the area most heavily affected; approximately 1.7 million people were displaced by the conflict from their hometowns, one-third of the total Somali population.⁵² The relief work carried out by the International Committee of Red Cross (ICRC) was its most large-scale since the Second World War; the ICRC tried in vain to mobilize the world community to respond.⁵³ The international community ignored the civil war in Somalia, despite the fact that the neighbouring countries were aware of and heavily impacted by the mass influx of Somalis into their countries. Indeed, before the intervention of the UN in Somalia, the civil war and famine got little attention.

Kenya and Ethiopia could have brought the calamity to the attention of the world. They are the countries that face a security threat from Somalia. Even if there were no diplomatic missions or journalists in Mogadishu, the atrocities suffered by the Somali people could have been publicized by countries like Kenya and Ethiopia, owing to their strategic importance and their status as hosts of different regional and international organisations.⁵⁴ Media and powerful countries should not have ignored the plight of the Somali people. The invasion of Kuwait by the Iraqi government, the war in former Yugoslavia in 1991, and the

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid 524.

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid 524-524.

⁵⁴ Kenya and Ethiopia are headquarters for different regional and international organizations and host summits and conferences.

disintegration of the former Soviet Union happened simultaneously with the crisis in Somalia and undermined the desire of international community's to focus on the Somalia conflict.⁵⁵

After the deaths of thousands of people by famine and war, the Somali problem attracted the attention of the UN. At the climax of the famine and the war, the spillover effect was felt in neighbouring countries and around the world. Boutros Boutros-Ghali, then the Under-Secretary-General for Special Political Affairs, visited the area. Concerned by the situation in Somalia, the UN sent a special mission headed by the Under-Secretary-General in early January 1992 to seek a political solution to the Somali conflict and reach an agreement among the conflicting parties in order to help the aid agencies carry out their humanitarian activities.⁵⁶

Despite the fact that the UN was accepted by warring parties as an instrument of peace and reconciliation, the crucial issue of disarmament was given less weight.⁵⁷ The findings of the high-level envoy to Somalia encouraged the Security Council to adopt Resolution S/RES/733 on 23 January 1992. It was against that background that the Security Council placed Somalia on its agenda on 23 January 1992.⁵⁸ The Security Council considered the civil war in Somalia a threat to international peace and security and decided that this warranted a collective action pursuant to Chapter VII of the UN Charter. The Security Council's Resolution S/RES/733 of 23 January 1992 invoked Chapter VII and underscored that no member state shall provide any weapons and military equipment whatsoever, from the arms embargo decision came into effect.⁵⁹ The subsequent UN-brokered peace plan brought together major faction leaders to agree on a cessation of hostilities and a political settlement among the different factions. Mahdi argued that the peace agreement should be implemented under the auspices of the UN. However, Aidid was firm that UN involvement should only be for securing the delivery of humanitarian aid. Despite their differences, both parties were in favour of the formation of the UN technical team. Consequently, the Security Council authorised the establishment of the technical team by its Resolution S/RES/746.⁶⁰

⁵⁵ Christian E. Philipp, Somalia- A very special case, Max Planck , Year book of United Nations law, Volume 9, koninklijke bril N.V. 2005. P 525.

⁵⁶ Ibid 526.

⁵⁷ Ibid.

⁵⁸ Ibid.

⁵⁹ United Nations, S/RES/733(1992) of 23 January 1992.

⁶⁰ Christian E. Philipp, Somalia- A very special case, Max planck , Year book of United Nations law, Volume. 9, koninklijke bril N.V. 2005. P 527.

2.2. UNOSOM I

Most peacekeeping operations are initiated either after wars have come to an end or after some sort of an agreement has been reached on the ground. The UN intervention in Somalia, however, began while the war was still raging. This made the mandate of the peacekeeping mission more complex and challenging to carry out. Moreover, in a country divided across clan and sub-clan lines, and featuring an array of power-hungry faction movements, peacekeeping forces found it much harder to realise the tasks assigned to them. Every faction saw the intervention through its own lens, rather than seeing it in the best interests of the country, and the peacekeepers were perceived as a threat to each warring faction's survival.

The Security Council passed Resolution 751 on 24 April 1992.⁶¹ The resolution created the UNOSOM I peacekeeping operation, authorised the immediate deployment of 50 unarmed observers to monitor the cease-fire in Mogadishu.⁶² UNOSOM I's purpose was to oversee the cessations of hostilities among the factions in the capital of Mogadishu, provide a safe haven for UN personnel and properties, and pave the way for humanitarian supplies to reach to those in need. ⁶³Algerian diplomat Mohammad Sahnoun was appointed as UN representative in Somalia.

In spite of the deployment of the observers on the ground, the human suffering could not be ameliorated. People continued to die in thousands due to famine and inter-clan conflicts. Thereafter, due to the exigency of the situation on the ground, on 28 August 1992, by Resolution R/RES/775, the Security Council authorised the augmentation of the number of UNOSOM I forces and personnel, which reached 4,219 troops and 50 military observers in the following month.⁶⁴ The Security Council Resolution 775 of 28 August 1992, increased the mandate and fortified the personnel of UNOSOM I with the objective of supplying humanitarian aid in most parts of the country.⁶⁵

Even though the mandate of UNOSOM I was changing with the exigency of the situation on the ground, it could not achieve its proposed mandates. With well-equipped Somali factions and wavering consent of the faction leaders, it was impossible to meet the desired target. Hence, it was crucial to fortify UNOSOM I with additional forces to tackle the

⁶¹ United Nations, Security Council resolution 751 (1992) of 24 April 1992.

⁶² Christian E. Philipp, *Somalia- A very special case*, Max planck , Year book of United Nations law, Volume. 9, koninklijke bril N.V. 2005. P 528. The observers were provided by Austria, Bangladesh, Czechoslovakia, Egypt, Fiji, Finland, Indonesia, Jordan, Morocco, Pakistan, and Zimbabwe.

⁶³ United Nations Operation In Somalia I (unosom I) - Mandate, <http://www.un.org/en/peacekeeping/missions/past/unosom1mandate.html> (accessed August 02, 2017).

⁶⁴ Christian E. Philipp, *Somalia- A very special case*, Max Planck. Yearbook of United Nations Law, Volume 9, koninklijke bril N.V. 2005. P 529.

⁶⁵ Ibid.

humanitarian catastrophe. At this juncture, the UN faced a serious dilemma and had to decide between invoking Chapter VII and holding its ground or withdrawing from Somalia.

2.3. The Role of UNITAF (Operation Restore Hope) as a Peace Enforcement Mechanism

During the few months of UNOSOM I's operation, human suffering worsened as the civil war continued unabated. Not only did it become impossible to contain the situation on the ground, but also the mission and the safety of its personnel were at risk. It was extremely difficult to rout the militias, which were well-equipped and exponentially outnumbered the peacekeepers. At this point in time, the UN demanded more soldiers from member states so as to advance its mission in Somalia.

It was the United States that initiated the establishment of the peacekeeping operation in Somalia by assuring the Secretary-General Boutros-Ghali that it would take a leading role under the auspices of the UN in securing the environment for humanitarian intervention.⁶⁶ The situation in Somalia rather worsened in the face of the intervention by the US. On 3 December 1992, the Security Council, by its Resolution 794 (1992), authorised the member states to establish the Unified Task Force (UNITAF) to create a safe environment for the delivery of humanitarian assistance.⁶⁷ UNITAF took concerted action with UNOSOM I in paving the way for the provision of humanitarian aid.⁶⁸ In reliance on Chapter VII of the Charter, the Security Council authorised "the Secretary-General and member states cooperating to implement..." and "to use all necessary means to establish as soon as possible a secure environment for humanitarian relief operation in Somalia."⁶⁹ The Security Council for the first time invoked Chapter VII, and with that, the phrase "use all necessary means." Thus, UNITAF was authorised to use force beyond self-defence to carry out its mandate, which transforms it from a peacekeeping to a peace enforcement mission.

On 4 December 1992, US president George Bush, in a televised appearance to the Nation and the world, announced that "the United States would be contributing 28,000 troops to Somalia, the US-led multinational force to be code-named Operation Restore Hope."⁷⁰ A

⁶⁶ Ramesh Thakur, From peacekeeping to peace enforcement: the UN operation in Somalia, *The journal of modern African studies*. Vol.32, No3. Cambridge university press. P.395.

⁶⁷ United Nations, Security Council resolution 794 (1992) 3 December 1992.

⁶⁸ <http://www.un.org/en/peacekeeping/missions/past/unosom1mandate.html> (accessed on 12/07/2017).

⁶⁹ Christian E. Philipp, Somalia- A very special case. Max Planck. Year book of United Nations law. Volume 9, koninklijke bril N.V. 2005. P 533.

⁷⁰ Peter Baxter, Somalia: Us intervention, 1992-1994. Hover town, Helion and company, 2013. P 32.

few days after President Bush's announcement, Boutros-Ghali assured the Somali people that "UNITAF would solve the humanitarian crisis by supplying food for those in need and defend the vulnerable as part of reconstitution of Somalia."⁷¹

When Somalia civil war started the Cold War was over, the US was able to contribute a massive military force. This coupled with the efforts of other troop-contributing countries; the task seemed easy at the outset of the mission. Nevertheless, fighting in remote places and a different culture complicated the mission. The factions were moving targets which could not be identified easily, and the widespread support they amassed made them unobtrusive. Even if the factions were overwhelmed by the number of soldiers and the military equipment of the peacekeepers, they proved capable of enduring frequent attacks against them with the meagre logistical resources at their disposal. Moreover, they were determined to appear victorious in the fight for power and prestige.

According to Peter Baxter, "Aidid's USC was estimated at approximately 20,000 fighters, with Ali Mahdi's chapter of the organisation thought to number upward of 15,000 militiamen, with possibly as many as 30,000 under arms."⁷² These dominant factions were believed to have enormous accumulations of weapons, which included artillery, tanks, armoured personnel carriers, and the omnipresent "technical."⁷³ "Technical" is a name coined for light, improvised civilian pick-up trucks mounted with machine guns. They provided security for NGO's personnel and property in Somalia. Baxter writes:

In the south, in and around the port of Kismayo, the two principal factions of the Somali National Front (NSF), under Mohamed Said Hirsi, also known as General Morgan, and the rival Somali Patriotic Movement (SPM), under Colonel Omar Jess, fielded a force of, respectively, 9,000 men and 15,000 men, the former having among his fighters many trained men of the former national army.⁷⁴

The French contingent was the first to clash with Somali armed militia when a truck loaded with nine Somalis ran a checkpoint without clearing the security procedure. The French opened fire, killing two and wounding seven.⁷⁵ The encounter raised concerns about the procedures, the chains of command, and the adherence to the rules of engagements in such comparable situations. In response, the UNITAF listed four basic "no's": no technicals, no

⁷¹ Ramesh Thakur, From peacekeeping to peace enforcement: the UN operation in Somalia, *The journal of modern African studies*. Vol.32, No3. Cambridge university press. P.395.

⁷² Baxter Peter, *Somalia: Us intervention, 1992-1994*. Hover town, Helion and company, 2013. P 41.

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Ibid 42.

banditry,⁷⁶ no roadblocks, and no visible weapons.⁷⁷ However, direct attacks against UNITAF members occurred on 12 December when Somali militia members fired upon three US marine helicopters.⁷⁸

2.4. Transition from UNITAF to UNOSOM II

In para. 19 of S/RES/794, the Secretary-General was called upon to devise a mechanism by the Security Council on how the UNOSOM I could be capable of meeting its mandates after the withdrawal of the Unified Command.⁷⁹ The Security Council in its S/RES/794 made it clear that the threat to international peace and security was unavoidable unless UNOSOM II is endowed with enforcement power across the entire country under Chapter VII.⁸⁰ The mandate the Secretary-General described included among other things: “monitoring that all factions respected the cease-fire, preventing any resumption of violence, maintaining control of heavy and small arms, securing peace to all ports and airports needed for the humanitarian supply, protecting the international personnel.”⁸¹ According to a request from the Security Council, in March 1993, the Secretary-General presented its proposed recommendations for the smooth transition of UNITAF to UNOSOM II.⁸²

On 26 March 1993, the mandates of UNOSOM I and UNITAF were transferred to UNOSOM II under Security Council Resolution 814(1993).⁸³ In December 1992, the Security Council had authorised the UNITAF, a multinational and complex mission, composed and guided predominantly by the United States, to use “all necessary means” to make a conducive environment for humanitarian assistance.⁸⁴ In 1993, UNOSOM II was mandated to take all necessary means to secure beyond Mogadishu in order to make a conducive environment for humanitarian activities; the mission of UNOSOM II was to accomplish, by continuing the already started disarmament and reconciliation by UNITAF.⁸⁵

⁷⁶ Looting of food aid and property by armed gangs was frequent.

⁷⁷ Baxter Peter, *Somalia: US intervention, 1992-1994*. Hoover town, Helion and company, 2013. P 42.

⁷⁸ Ibid 43.

⁷⁹ Ibid.

⁸⁰ Ibid 537.

⁸¹ Ibid.

⁸² Ibid.

⁸³ United Nations, Security Council resolution 814(1993) of 26 March 1993.

⁸⁴ United Nations Operation In Somalia Ii (unosom Ii) - Mandate, <https://www.update.un.org/en/peacekeeping/missions/past/unosom2mandate.html> (accessed August 02, 2017).

⁸⁵ United Nations Operation In Somalia Ii (unosom Ii) - Mandate, <http://www.un.org/en/peacekeeping/missions/past/unosom2mandate.html> (accessed July 21, 2017).

The core mandate includes:

- Supervising cessation of hostilities and peace agreements entered into by the factions;
- Preventing recurrence of war by all necessary means;
- Controlling and disarming of the heavy weaponry of the Somali factions;
- Seizing the small arms of all unauthorised arms bearers;
- Securing all communication routes, including ports, airports, and roads for safe distribution of humanitarian aid;
- Protecting staff and employees, property of the United Nations and its agencies, including other international organizations i.e. ICRC and humanitarian NGOs;
- mine-clearing action and;
- Supporting re-settlement of refugees and internally displaced people in Somalia.

Before the transition from UNITAF to UNOSOM II, there had been disagreement looming between the US and the UN. According to the mandate of UNITAF, the security issue was still fragile in Mogadishu and other parts of Somalia. Despite that, the US was hastily transferring the mission to UNOSOM II without accomplishing all its mandate. Indeed, the mission's mandate was unclear, which created undesired dissonance between the US and the UN. The UN, with its limited financial and military capabilities, could not secure Somalia without the strong muscle of the US.

Owing to its critical strategic geopolitical location in the Indian Ocean, Somalia was a centre of gravity for the superpowers. After the Soviet Union had ceased to support Siyad Barre's government in favour of Ethiopia in the irredentist war between Somalia and Ethiopia in 1977, President Siyad Barre secured the support of the US government. Weapons poured into the Horn of Africa by the Soviet Union and the US to maintain their influences. As Christopher Clapham in his book: *the Horn Africa: A Conflict Zone*, writes that, "The level of state repression and civil war that has raged in the region has unquestionably been made possible by the quantities of armaments pumped into the region by the major powers."⁸⁶ He further argues that "the scale of civil wars experienced in the Horn of Africa would have been unsustainable without the arms flow, originally provided to strengthen these states, which ironically found their way to insurgents, ultimately destroying those states that they were intended to strengthen."⁸⁷ These arms pumped to Somalia during the centralised government

⁸⁶ Clapham, Christopher. *The Horn of Africa: A conflict zone*. Furley, Oliver (ed). Conflict in Africa. London: I.B. Tauris publishers. 1995. P.77f.

⁸⁷ Ibid.

of Siyad Barre fell to clan militias and were used to wage war against other clans. Giving these massive number of weapons, the task of peacekeeping became problematic. Bearing arms was considered to be an inalienable right in Somalia, and disarming one clan was considered favouring another. It is only by bearing arms that a balance of power could be struck among clans. That is why during the transition from UNITAF to UNOSOM II, the issue of disarmament was hotly debated between the UN and the US.

Boutros-Ghali took a firm stand that total disarmament should precede American withdrawal from Somalia. Nevertheless, the United States considered the issue to be insignificant.⁸⁸ Moreover, Americans were uncompromising on the issue of disarmament, and it was not considered to be a priority. In reply to a letter from Boutros-Ghali, President Bush has been quoted as saying: “I want to emphasize that the mission of the coalition is limited and specific: to create security conditions which will permit the feeding of the starving Somali people and allow transfer of these security functions to the UN peacekeeping force.”⁸⁹ In essence, the two bickered over the extent of the UNITAF mandate, which the US, along with most coalition partners, arguing for strict limitations, and Boutros-Ghali insisting on a much broader scope of operation, broader geographic parameters, and a longer duration. It is an undisputed fact that the US was the only nation that could execute widespread disarmament measures in Somalia⁹⁰

After the transition from UNITAF to UNOSOM II, the task of stabilising Somalia and tackling the humanitarian crisis became the principal undertakings of UNOSOM II. Different peace initiatives were conducted to supplement the task of peacekeeping and to pave the way for the comprehensive peace agreements. The UN engaged in a full-scale stabilisation process by engaging Somalis in all walks of life. The grassroots initiatives seemed to bear fruit momentarily. However, the incident of June 5, 1993, unmistakably showed that the UN mission was at risk and it signified that the very faction agreed for the deployment of peacekeepers withdrawn its consent.

On 5 June 1993, while Aidid’s SNA weapon arsenal was being inspected, SNA supporters, who had spread a smear campaign against UNOSOM II for weeks, killed 23 UNOSOM soldiers.⁹¹ Aidid’s supporters insisted that the armed encounter with UN forces

⁸⁸ Baxter, Peter. Somalia: Us intervention, 1992-1994. Hover town, Helion and company, 2013. P 56.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Christian E. Philipp, Somalia- A very special case, Max Planck. Year book of United Nations law. Volume 9, koninklijke bril N.V. 2005. P 541.

occurred when the UN peacekeepers tried to destroy the SNA radio station.⁹² On 6 June 1993, the Security Council adopted resolution S/RES/837. Acting under Chapter VII, it strongly condemned the armed attack, which seemed “to have been part of a calculated and premeditated series of ceasefire violations to prevent by intimidation UNOSOM II from carrying out its mandate undermining international efforts aimed at restoration of peace in Somalia.”⁹³ In its Resolution S/RES/814(1993), the Security Council had underscored the authorisation of the General Secretary “to take all necessary measures against all those responsible.”⁹⁴ Capitalizing on the authorisation of the Security Council, UNOSOM II engaged in few military encounters in Mogadishu. Following the incidences, the UNOSOM II commenced an investigation into Aidid, and Aidid was given an ultimatum to surrender.⁹⁵ The attempt by the UN to capture or annihilate Aidid was in vain. In October of the same year, UNOSOM II’s quick reaction force (QRF) arrested Aidid’s faction supporters who had allegedly participated in the June incidence. In response, to the arrest, the Aidid militia opened fire and killed 18 UN peacekeepers.⁹⁶ The intention behind the establishment of Quick Reaction Force was to have an emergency response unit stationed off the Somali shore to keep any attack against the UN forces at bay.⁹⁷ As a result, US president Bill Clinton made it clear that the US forces would withdraw from Somalia by 31 March 1994.⁹⁸ Consequently, UNOSOM II completed its withdrawal on 3 March 1995.

2.5. Major Showdowns

The intervention in Somalia by the UN received bad publicity in Somalia not long after the peacekeepers set foot on the land. Intermittent bullet shots and looting of food aid by armed groups became a commonplace. The skirmishes between peacekeepers and armed militias shifted to major showdowns in many instances. The showdowns occurred when the peacekeepers tried to disarm the faction militias and engaged in manhunts for prominent figures of the factions.

On 4 June 1993, Aidid was informed by UNOSOM II that the SNA weapons inventory would be inspected. The UNOSOM II notification had been preceded by widespread rumours,

⁹² Ibid.

⁹³ United Nations Operation In Somalia (unosom I) - Mandate, <https://www.update.un.org/en/peacekeeping/missions/past/unosom2mandate.html> (accessed August 02, 2017).

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid 542.

⁹⁷ Peter Baxter, Somalia: Us intervention, 1992-1994. Hover town, Helion and company, 2013. P 103.

⁹⁸ Ibid.

propagated in no small part by Aidid's own propaganda machine, that these weapons inspections were nothing more than a ruse to target Radio Mogadishu, Aidid's radio station, which happened to be co-located at one of the five Authorized Weapon Storage Sites (AWSSs) earmarked for inspection.⁹⁹

Coming back from a weapons inspection, the Pakistani contingent was trapped in a well-organised ambush by the Aidid's militias, and as a result, heavy exchange of fire ensued.¹⁰⁰ The Quick Reaction Force and Italian Armored Unit arrived at the site after 24 Pakistanis had lost their lives and a number of soldiers had been wounded in the ambush, and others become prisoners under the faction's control. Three Americans and an Italian were among the wounded.¹⁰¹

On 25 September, while on a night reconnaissance mission, a Black Hawk helicopter—Courage 53 – was hit by an RPG rocket as it was hovering over the presidential palace, the incidence killed five crew members.¹⁰² However, it was the 3 October 1993 event that shook the American peacekeepers to their core. Second Black Hawk helicopter was down while stealth operation to capture Aidid's higher officials, Omar Salad Elmi and Mohamed Hassan Awale. The surprise attack killed both pilots and wounded the remaining two crew members Onboard. Within a few hours, another Black Hawk helicopter was shot down by an RPG-7 rocket-propelled grenade launcher in another area controlled by faction militias. The Americans were overwhelmed by the Somalis and were engulfed on the crash sites. One American, Michael Durant, was captured by Aidid's militia, while the others were killed on the spot.¹⁰³ Shocked by the events on the ground, the US government obliged to review its intervention in Somalia. During the Somali peacekeeping operation, American lost its 18 soldiers, and another 75 were wounded.¹⁰⁴ The most dreadful event of all was the dragging of the mutilated corpses of American soldiers through the street of Mogadishu. The action outraged the world in general and the American people in particular.

The Somalia mission was already at a crossroads when the incoming US administration was inaugurated. The new administration was unsure whether to stay in Somalia to declare mission accomplished at whatever cost or to withdraw from Somalia before sustaining further severe political and military losses.

⁹⁹ Peter Baxter, *Somalia: US intervention, 1992-1994*. Hovetown, Helion and company, 2013. P 62.

¹⁰⁰ Ibid 63

¹⁰¹ Ibid 63.

¹⁰² Peter Baxter, *Somalia: US Intervention, 1992-1994*. Havertown: Helion and Company, 2013. P 68.

¹⁰³ Ibid.

¹⁰⁴ Ibid 95.

2.6. Termination of the Mission

Subsequent to the notorious battle of Mogadishu, on 6 October, President Bill Clinton convened an emergency policy review meeting. Present at the meeting were Vice President Al Gore, Robert Oakley, and other top civilian and military officials.¹⁰⁵ The meeting resolved to undertake the thorough policy revision of intervention in Somalia and devised an exit strategy for the purpose of total pulling out from Somalia.¹⁰⁶ The meeting resulted in the setting of a deadline of 31 March 1994 for US military to leave Somali territory. The US government decision precipitated a series of similar events from major troop-contributing countries, especially Italy, Germany, and Turkey, which also removed their troops from Somalia, mindful that in the absence of the US Armies the Somalia operation of UNOSOM II would not be capable of accomplishing its mission.¹⁰⁷ The withdrawal of significant peacekeeping forces contributing countries from Somalia preceded the UNOSOM II mandates from enforcement mission Chapter VII to peacekeeping activities Chapter VI; the UN ended up with a nominal presence.¹⁰⁸

Worried by the developments on the ground, President Clinton personally instructed the interim head of the US army in Mogadishu, Admiral David E. Jeremiah, and CENTCOM commander General Hoar, to give up any further operations against Aidid.¹⁰⁹ The new US administration realised that pursuing a military adventure with no American interest on the table was nothing more than a zero-sum game.¹¹⁰ Rather than military means, another alternative had to be sought to save the face of the newly elected US administration. The appointment of Robert Oakley as special envoy showcased the Clinton administration's commitment to using diplomatic means, although resolving the conflict with all of the warring parties involved through diplomacy would be difficult.¹¹¹ The decision of the US administration to withdraw from Somalia without accomplishing the envisaged mandate affected the UN adversely. The lacunae created by the absence of the powerful US military presence left the UN as the underdog in Somalia in the face of casualties that might occur. Moreover, the credibility of the UN to carry out its mandate for the future peacekeeping operations was put at risk.

¹⁰⁵ Baxter, Peter, *Somalia: US Intervention, 1992-1994*. Havertown: Helion and Company, 2013.. P 95.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid 101.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ The American intervention had no huge national interest except showing its muscle in the new world order. Nevertheless it turns out to be a loss to the US: it gained nothing, and there was no national interest to protect. Consequently, withdrawal was the best option.

¹¹¹ Baxter, Peter, *Somalia: US Intervention, 1992-1994*. Havertown: Helion and Company, 2013.

Robert Oakley's appointment as special representative of President Bush and later President Clinton was a wise move to complement the US endeavour to tackle the Somali problem diplomatically. Oakley had served as US Ambassador to Somalia; he had a better understanding of the Somali social texture and history. Among Oakley's duties in Somalia were to negotiate the release of the Black Hawk pilot who had been taken captive in the Battle of Mogadishu on 3 October 1993. Considering the US policy on hostages and prisoners, Oakley was adamant that the release of pilot Michael Durant was non-negotiable.¹¹² On 14 October 1994, Oakley made a wisely arranged for the announcement of the release of the American pilot to be declared by Aidid himself in a press conference.¹¹³ As a token of appreciation, the Security Council's authorization for Aidid's arrest authorisation, pursuant to Resolution 885 of October 16, 1993, was put on hold momentarily.¹¹⁴ The Resolution 885 of 1993 of the UNSC established a commission to inquire into the incidences of armed activity which occurred during UNOSOM II and the subsequent casualties.¹¹⁵ The final blow to the United Nations peacekeeping mission to Somalia was Resolution 954 (1994), which authorised the extension of the mandate of UNOSOM II for the final period until March 31, 1995. However, the complete withdrawal of American soldiers was effected on March 3, 1994, almost one month before the fixed deadline. Italy, Belgium, France, and Sweden followed suit and withdrew their troops along with the Americans. The UN peacekeeping troops completely withdrew from Somalia on March 28, 1995.

The UN peacekeeping missions in Somalia were different from their predecessor missions: they were multidimensional, second generation, complex, and robust. For the first time, the US contributed peacekeepers to the UN and the UN invoked Chapter VII to enforce the peace agreement and to facilitate the delivery of aid in the ensuing humanitarian crisis. The UN peacekeeping missions in Somalia concluded their term without accomplishing their mandates. Although the failure is a result of diverse factors, the UN ought to draw lessons for its subsequent peacekeeping missions. The experience triggered a reformation of UN peacekeeping missions and the revisitation and augmentation of traditional peacekeeping principles.

¹¹² Ibid 99.

¹¹³ Baxter, Peter, *Somalia: US Intervention, 1992-1994*. Havertown: Helion and Company, 2013.

¹¹⁴ Ibid 100.

¹¹⁵ United Nations, Security Council Resolution 885 (1993), <http://www.refworld.org/docid/3b00f1613b.html>

Chapter Three: The United Nations Peacekeeping Mission in Ethiopia and Eritrea

3.1. The Eritrean-Ethiopian Border War

The Horn of Africa is a war-torn region, characterised by deep-rooted rivalries and considerable tensions among its neighbouring countries. The proclivity for conflict in the region has been an issue of discussion amongst scholars and policy-makers. However, to date, no agreement has been reached as to how to end the devastating wars. The Eritrean-Ethiopian border war was a continuation of the previous appalling wars that had shocked the region. Two intimate, friendly governments (at least as the outside world perceives them) went to war for a barren piece of land and fought from May 1998 until June 2000 along their shared border. The Eritrean People's Liberation Front (EPLF) and the Tigray People's Liberation Front (TPLF) were allied organisations. They had organized joint military operations against the Ethiopian Derg regime¹¹⁶ before they assumed power in their respective countries. However, several years after they took power in 1991, they turned their guns against each other. The war led to massive internal displacement in both countries as civilians fled the war zone. Both countries wasted vast amounts of money that could have been used for better purposes. The Ethiopian and Eritrean governments each expelled tens of thousands of citizens from the opposing country; the expulsions created unprecedented refugee crises in both countries. Moreover, the war weakened the already-weak economies of both countries, which had suffered from decades of Cold War politics, civil war, and drought that produced food shortages. The worst effect of the war was its human toll: 19,000 Eritrean and 60,000 Ethiopian soldiers were killed in the combat.¹¹⁷ Of course, there were civilian casualties, especially in the border areas due to mortars, heavy artillery, and airstrikes; nevertheless, there is no concrete and independent research as to the exact number of civilian casualties. Many wondered how it was impossible for the two friendly governments to avoid the war or solve it at the political level.

It is my argument that the incoherent historical relationship between the EPLF and the TPLF is the ultimate remote cause of the border war, even if this has not been identified by the mediators. Even though the EPLF and TPLF were fighting against a common enemy, they were not always on good terms. Sometimes disputes arose as to military strategies and

¹¹⁶ the Coordinating Committee of the Armed Forces, Police and Territorial Army, a Marxist-Leninist junta which deposed Emperor Haile Selassie and ruled from 1974 to 1987 –

¹¹⁷ The exact number of dead soldiers and displaced civilians is by both sides is not reliable, as both sides tried to inflate other side's casualties while understating their own.

ideological differences. The Badme area, the pretext of war in 1998, was then a contested area, and each party claimed sovereignty over it. It is plain truth that, as Eritrea had been a colony of Ethiopia, the border between the countries was not considered distinct and separate thus, strongly undelineated. The border crisis coupled with economic deterioration after the 1997 issuance of the Eritrean currency, the Nakfa, to trigger the border war.

In 1890, Eritrea was declared to be an Italian colony. After the victory of Allied forces in World War II, Eritrea was governed by the British military administration pending its federation with Ethiopia in 1952 for ten years. Nevertheless, in violation of the UN-masterminded federation arrangement, Ethiopia annexed Eritrea as its fourteenth province in 1962. This act by the Ethiopian government triggered Eritrea's independence struggle, which lasted for thirty years and only ended in 1991, with the victory of the EPLF in liberating the whole of Eritrea, including the capital, Asmara. Days later, the TPLF, with the help of the EPLF, seized the Ethiopian capital, Addis Ababa and ousted the Derg's communist dictator, Colonel Mengistu Haile Mariam. Hence, Eritrea's independence was accepted and inaugurated both by the Ethiopian government and the international community on May 24, 1993, after Eritrean voters overwhelmingly voted for independence from Ethiopia. For almost four years after its independence, Eritrea enjoyed good relations with its former coloniser, Ethiopia. In July 1997, tension arose over the disputed border between the two countries because Ethiopian troops temporarily occupied eastern Eritrean territories. Meanwhile, in November 1997, Eritrea introduced its own currency and stopped using the Ethiopian currency. The exchange rate between the Nakfa (Eritrean currency) and the Birr (Ethiopian currency) was agreed upon as 1 Nakfa = 1 Birr. The Ethiopians, soon unhappy with this deal, decided that trade between the two countries should be conducted in dollars. Unable to agree on this, both countries attempted to regulate cross-border trade, and this led to a disagreement over where exactly the border lay between the two countries. In 1998, seven years after the independence of Eritrea, the fierce economic battle between Ethiopia and Eritrea heightened, and the mutual cooperation between the two countries worsened.¹¹⁸ On May 6, 1998, a small group of Eritrean soldiers entered the disputed Badme area, then under the administration of the Ethiopian government along the western borders of Eritrea. The handful of Eritrean soldiers were confronted by Tigrean militia and security police, who asked them to drop down their guns and return to undisputed territories. A shoot-out between the Eritrean unit

¹¹⁸. Bill Vann, Historical and Social Issues Behind the Eritrean-Ethiopian Border War, 11 June 1998, <<http://www.wsws.org/news/1998/jun1998/erit-j11.shtml>> (August 2017).

and the local militia followed, resulting in several casualties on both sides. This incident stirs up a chain of events that culminated in a full-scale war.

Thus, seven years of good neighbourly relations between the former rebel leader turned rulers, who had formed a strategic marriage of convenience in overthrowing Ethiopia's notorious military dictator, came to an unexpected end. When thousands of lives had been lost, and millions of dollars spent on armaments, the two countries reached a peace agreement in Algiers, Algeria at the end of 2000.

Following that, the UN agreed to establish a peacekeeping mission (UNMEE) and send in peacekeepers. The mission was mandated to monitor the terms of the peace treaty discussed in the next section and to ensure that a 25-kilometre-wide Temporary Security Zone be established between the two countries and be maintained until a final border was agreed upon. In addition, the UN sought to work closely with both sides to normalise the situation in both countries by building confidence, promoting peace, trust, and security.¹¹⁹

3.2. Humanitarian Aspects

Non-conclusive reports have suggested that the border war between Ethiopian and Eritrea affected approximately one million people, i.e. 370,000 Eritreans and 350,000 Eritreans.¹²⁰ As a result, a vast number of people were displaced internally and on both sides of the border, and a large number of people fled their home countries. Moreover, the plan to bring Eritrean refugees home from Sudan was aborted due to security concerns. On the other side of the border, and severe drought left more than 8 million people in need of emergency food aid.¹²¹ Considering the humanitarian crisis in both countries, the UN humanitarian agencies initiated programmes of fundraising and resource raising for the purpose of tackling humanitarian problems.¹²²

Kofi Annan, the Secretary-General of the UN, appointed Catherine Bertini, Executive Director of the World Food Programme (WFP), on 31 March 2000, as his Special Representative on the humanitarian crisis in the Horn of Africa. Bertini was assigned the task of assessing the humanitarian crisis and encourage the international community to respond to

¹¹⁹ <http://www.veterans.gc.ca/eng/remembrance/history/canadian-armed-forces/ethiopia> (accessed May 20, 2017).

¹²⁰ UNMEE: United Nations Mission In Ethiopia And Eritrea, <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹²¹ Ibid.

¹²² Ibid.

the situation. She was also mandated to secure assurance of governments and concerned parties to pave the way for humanitarian intervention.¹²³

In a parallel development, on 7 April, Annan launched a special task force in response to the endemic drought and famine in the Horn of Africa.¹²⁴ The Special Task Force was composed of, the United Nations Emergency Response to Sustainable Food Security and, Agriculture Development under direct supervision of Food and Agricultural Organisation of the United Nations (FAO). While her visit to Eritrea and Ethiopia between 10 and 19 April 2000, Bertini, assessed the concrete situation on the ground and discussed the matter with higher authorities in both countries. The special envoy underscored the need for an emergency response from the international community.¹²⁵ With the escalation of the war between Eritrea and Ethiopia in May 2000, security concern in the region became more intense. The United Nations Mission In Ethiopia And Eritrea reports: “On 19 May 2000, the UN Secretary-General said he was ‘deeply alarmed’ about the impact of the renewed hostilities on the already critical humanitarian situation of hundred of thousands of innocent people in both countries. In a statement by his Spokesman, the Secretary-General called the large-scale military effort ‘tragic’.”¹²⁶

Cognizant of the call of the international community for the cessation of hostilities by both parties, the Secretary-General urged the international community to remain committed to providing humanitarian assistance for the needy while long-lasting peace initiatives took place to resolve the problem comprehensively.¹²⁷

3.3. Security Council Mission to the Region (Peace Negotiation Efforts by Third Parties)

The UN Security Council special committee composed of seven members visited Eritrea and Ethiopia, on 8 and 9 May 2000 respectively, in order to bring both parties to the negotiation table.¹²⁸ The head of the envoy was the Permanent Representative of the United States, Richard Holbrooke. Other members of the committee were Jean-David Levitte (France), Moctar Ouane (Mali), Martin Andjaba (Namibia), A. Peter van Walsum (Netherlands), Said

¹²³Unmee: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed June 30, 2017).

¹²⁴ <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed on 27 July, 2017).

¹²⁵ Ibid.

¹²⁶ UNMEE: United Nations Mission in Ethiopia and Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹²⁷ Ibid.

¹²⁸UNMEE: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

Ben Mustapha (Tunisia), and Jeremy Greenstock (United Kingdom).¹²⁹ The delegation discussed the matter with the leaders of both countries, Prime Minister Meles Zenawi of Ethiopia and President Isaias Afwerki of Eritrea. The consultations focused on how to bring about a peaceful settlement to the dispute and to prevent recurrence of a new war between both countries.¹³⁰

Despite all diplomatic endeavours, war reignited on May 12, 2000, between Ethiopia and Eritrea.¹³¹ Considering the severe humanitarian consequences for the people of Ethiopia and Eritrea, the Security Council adopted Resolution 1297 immediately after the start of the new clash at the border of both countries. The UN Secretary-General, Kofi Annan, in his statement profoundly condemned the restarting of all-out war. He urged both countries to cease fire and instantaneously to sit in negotiating table in an unqualified manner.¹³²

3.4. Sanctions Imposed on Both Countries

By its Resolution 1298, the Security Council, on 17 May 2000, imposed an arms embargo prohibiting any member state from supplying weapons or any types of military equipment to the two countries.¹³³ The resolution stated that:

All States shall prevent the sale or supply to Eritrea and Ethiopia of weapons, ammunition, military vehicles, equipment and spare parts, as well as any provision to the two countries of technical aid or training related to the manufacture or use of arms.¹³⁴

The Security Council called for the uncategorical resumption of substantial peace negotiations as soon as possible, under the auspices of OAU, on the basis that the Framework Agreement and its Modalities which would accomplish the final peaceful settlement of the military dispute.¹³⁵

3.5 Agreement on Cessation of Hostilities

In connection with the previous peaceful settlement initiative, the shuttle diplomacy to and fro, Ethiopia and Eritrea continued under the leadership of the Minister of Justice of Algeria

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ UNMEE: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹³² Ibid.

¹³³ UNMEE: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹³⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N00/437/11/PDF/N0043711.pdf?OpenElement>

¹³⁵ Ibid.

and the representative of the then Chairman of the OAU, on 30 May in Algiers.¹³⁶ Ethiopia and Eritrea never sat at a roundtable to discuss peace settlement; third-party mediators were travelling to Asmara and Addis Ababa to meet both countries' government officials. Those peaceful settlement talks resulted in the signing of an agreement on Cessation of Hostilities, between Ethiopia and Eritrea signed by the Foreign Ministers of both countries, on 18 June 2000, through the sponsorship of President Abdelaziz Bouteflika of Algeria, in his capacity as the Chairman of the OAU.¹³⁷ In addition to Algeria and the OAU, the talks were assisted and guaranteed by the EU, by its president Rino Serri, and the representative of the president of the United States, Anthony Lake.¹³⁸

Eritrea and Ethiopia pledged to terminate the hostilities promptly till further talks dealt with the remaining issues. Furthermore, the parties reiterated their commitment to the OAU Framework Agreement and its Modalities. In conjunction with acceptance of the agreement, the parties requested the UN and the OAU, to form a peacekeeping operation/mission for the implementation of the agreements.¹³⁹

3.6 The Algiers Peace Agreement

The Eritrean and Ethiopian government signed a truce in December 2000 under the auspices of the OAU, the agreement called upon both parties to reinstate their position to where they were before the commencement of the war, and the establishment of a boundary commission.¹⁴⁰

The members of the Commission were Sir Elihu Lauterpacht, CBE QC (President); His Excellency Prince Bola Adesumbo Ajibola (appointed by Ethiopia); Professor W. Michael Reisman (appointed by Eritrea); Judge Stephen M. Schwebel (appointed by Eritrea); and Sir Arthur Watts, KCMG QC (appointed by Ethiopia).¹⁴¹

The Commission based its finding on the principle of 'Uti Possidetis and applicable international law, hence the colonial treaties of 1900, 1902 and 1908 were relevant to carry

¹³⁶ UNMEE: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Eritrea-eEthiopia Boundary Commission » The Hague Justice ..., <http://www.haguejusticeportal.net/index.php?id=6162> (accessed July 24, 2017).

out its mandate of delimitation and demarcation.¹⁴² The final and binding decision regarding the delimitation of the border between Eritrea and Ethiopia was officially announced by the commission on 13 April 2002. Succeeding the delimitation process was the actual implementation of the delimitation decision on the ground by moving on to the demarcation process.¹⁴³ In the year 2002 to late 2003, the Commission convened numerous times with the representatives of the Ethiopian and Eritrean governments, and observers from the UN and the AU, from November 2002 to late 2003, to implement the demarcation process.¹⁴⁴ Nevertheless, no concrete development took place owing to the implacable differences between both parties. In March 2006, the demarcation activities of the commission were resumed but suspended due to the irreconcilable demands of both parties.¹⁴⁵ The last meeting of the commission in September 2007 bore no fruit to an agreement of placing pillars on the geographic coordinates on the ground.¹⁴⁶

3.7. The Establishment of UNMEE

The Modalities for the Implementation of the OAU Framework Agreement was acceded to by both governments at the OAU summit in July 1999, in Algiers.¹⁴⁷ In this document, Eritrea committed itself to “redeploy its forces outside the territories they occupied after 6 May 1998 and Ethiopia committed itself to redeploy, thereafter, its forces from positions taken after 6 February and which were not under Ethiopian administration before 6 May 1998.”¹⁴⁸ Having discussed the documents and their implementation methods with both governments, Eritrea and Ethiopia, Mr. Ahmed Ouyahia, the Special Representative of the then chairman of the OAU, Ambassador Mohamed Sahnoun, and representative of the United States President, Mr. Anthony Lake put the document in to its final form entitled “Technical Arrangements for the Implementation of the OAU Framework Agreement and its Modalities.”¹⁴⁹ The agreements stipulated the establishment of an impartial body for the determination of the exact site from which both parties should redeploy. The Technical

¹⁴² Eritrea-Ethiopia Boundary Commission » The Hague Justice ..., <http://www.haguejusticeportal.net/index.php?id=6162> (accessed July 24, 2017).

¹⁴³ Eritrea-Ethiopia Boundary Commission » The Hague Justice, <http://www.haguejusticeportal.net/index.php?id=6162> (accessed July 24, 2017).

¹⁴⁴ *ibid*

¹⁴⁵ *ibid*

¹⁴⁶ *Ibid.*

¹⁴⁷ <http://www.un.org/en/peacekeeping/missions/past/unmee/> (accessed July 24, 2017).

¹⁴⁸ *Ibid.*

¹⁴⁹ UNMEE: United Nations Mission in Ethiopia and Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

Arrangements put forward an arrangement for the positioning of military observers to ascertain the redeployments of the parties.¹⁵⁰ The document also provided for the formation of a buffer zone and delimitation of the entire disputed common border between the two countries. Eritrea announced its acceptance of the document. Ethiopia reserved its position and requested clarifications while reaffirming its commitment to a peaceful resolution of the conflict. Meanwhile, the mediation process for the implementation of the peace agreement continued, while the tension in the common border seemed unabated if the dispute resumed the situation would be displaced and make an unprecedented humanitarian crisis.¹⁵¹

The Secretary-General in his report of 30 June 2000 (S/2000/643) to the Security Council, emphasised that the Agreement would be very important in bringing peace and security to both countries if supported with the commitment of the parties to implement it.¹⁵² He also declared his intention to deploy a reasonable number of liaison officers to each capital, pending supplementation by military observers.¹⁵³ It was stated that up to 100 military observers would be sent to each country, and this would be followed by the establishment of a United Nations peacekeeping operation.¹⁵⁴

By its Resolution 1312 (2000), on 31 June 2000, the Security Council decided to establish the United Nations Mission in Ethiopia and Eritrea (UNMEE), composed of up to 100 military observers and the necessary civilian support staff pending further authorisation of a peacekeeping operation.¹⁵⁵ The Mission's mandate would be to:

Establish and maintain liaison with the parties; visit the parties' military headquarters and other units in all areas of operation of the mission deemed necessary by the Secretary-General; establish and put into operation the mechanism for verifying the cessation of hostilities; prepare for the establishment of the Military Coordination Commission provided for in the Cessation of Hostilities Agreement; and assist in planning for a future peacekeeping operation.¹⁵⁶

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² UNMEE: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Ibid.

¹⁵⁶ Unmee: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

Security Council requested the Secretary-General to arrange a scheme for an organising peacekeeping operation and take the necessary administrative and logistical actions, pending Security Council authorisation.¹⁵⁷

The Secretary-General, in his report to the Security Council on 9 August 200, emphasised the need to augment UNMEE's personnel and staff up to 4,200 military personnel, comprising 220 military observers, three infantry battalions, and the required support components, to monitor the agreed cessation of hostilities and implementation of the border delineation between both parties, Ethiopian and Eritrea.¹⁵⁸

The report, based on the findings of the UN reconnaissance mission, the mission recommended that:

“with the poor infrastructure and difficult terrain, the mission should use planes and helicopters, as well as ground forces and armoured personnel carriers. UNMEE would be composed of political, military, public information, mine action, and administrative components, and include a mechanism for coordination of its activities with those of the humanitarian community.”¹⁵⁹

“A Special Representative who would have overall authority and maintain close contact with the political and military leadership of the Governments of Ethiopia and Eritrea, as well as the OAU, would head the Mission and the United Nations country teams in both countries. Offices in Addis Ababa and Asmara would be complemented by regional headquarters based in Mendefera, Western Eritrea, and Mekele, northern Ethiopia.”¹⁶⁰

The Mission would be implemented in three phases, in which the first phase involved the deployment of liaison officers to each capital.¹⁶¹ In the next phase, up to 100 military observers, including the necessary civilian support units, would be dispatched.¹⁶² Once the authorisation of the Security Council was secured, the last phase of deployment of the peacekeeping operation would be executed.¹⁶³

¹⁵⁷ Unmee: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹⁵⁸ Ibid.

¹⁵⁹ Unmee: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹⁶⁰ UNMEE: United Nations Mission in Ethiopia and Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed June 04, 2017).

¹⁶¹ Unmee: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹⁶² Ibid.

¹⁶³ Ibid.

The deployment of up to 4,200 UNMEE peacekeeping forces to Eritrea and Ethiopia was confirmed by the Security Council Resolution 1320 of 15 September 2000, to be effected by 15 March 2001, following the Secretary-General's report of 9 August 2000.¹⁶⁴

Meanwhile, Eritrea and Ethiopia negotiated in Algiers for the purpose of finding a final, and comprehensive peaceful settlement of the conflict continued. This peace talks, brokered by President Abdelaziz Bouteflika of Algeria, resulted in the signing on 12 December 2000 of a Comprehensive Peace Agreement between Ethiopia and Eritrea.¹⁶⁵ Speaking at the signing ceremony, the UN Secretary-General Kofi Annan welcomed the agreement as “a victory for the voice of reason, for the power of diplomacy and the recognition that neither one of those countries – nor the continent as a whole – can afford another decade, another year, another day of conflict.... The United Nations and the international community are determined to work closely with the parties to ensure the implementation of both the 18 July Agreement and the one signed today so that lasting peace can be achieved and that reconstruction can begin. Annan said “We have a job to do, we shall do it effectively and efficiently, and then we will withdraw,”¹⁶⁶ Before the peace agreement the Secretary-General, in his trips to Ethiopia and Eritrea, he aware the international community of the humanitarian crisis ensuing in both countries.¹⁶⁷

By signing the 12 December Peace Agreement, the parties undertook to:

permanently terminate military hostilities between themselves and to refrain from the threat or use of force against each other. The Agreement, among other things, requires the establishment of a neutral Boundary Commission to delimit and demarcate the colonial treaty border, foresees the creation of a neutral Claims Commission which would decide on claims from either side and calls for an independent investigation into the origins of the conflict.¹⁶⁸

The UNMEE mission started its activities by monitoring the disputed buffer zone between Eritrea and Ethiopia. However, the simmering tension between the two countries boiled over again in 2002, when the boundary commission awarded the town of Badme, which was the pretext and flash point of the war, to Eritrea.¹⁶⁹ Gratified by the ruling, Eritrea refused to open new negotiations with the Ethiopia-Eritrea special envoy Lloyd Axworthy on

¹⁶⁴ Ibid.

¹⁶⁵ UNMEE: United Nations Mission In Ethiopia And Eritrea ..., <http://www.un.org/en/peacekeeping/missions/past/unmee/background.html> (accessed August 02, 2017).

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ <https://www.globalpolicy.org/security-council/index-of-countries-on-the-security> (accessed July 24, 2017)

the final and binding decision. Meanwhile, the commission's decision was dismissed by Ethiopia.¹⁷⁰

3.8. The Mandate of UNMEE

According to Security Council Resolution, 1320 (2000), the UNMEE peacekeeping mission, had the following mandate:

Supervising the cessation of hostilities and observance the security commitments; overseeing the redeployment of both parties armies from sites which were not under their administration before May 6, 1998, establish and monitor the 25 kilometres Temporary Security Zone (TSZ); offering land mines clearing support; organising humanitarian and human rights activities.¹⁷¹

The Security Council highlighted that the peaceful settlement of the dispute, the achievement of the UN mandate, and the delimitation and demarcation of the border between both parties were mutually inclusive.¹⁷²

By its Resolution 1430 (2002), the Security Council fortified the UNMEE's mandate so that the Commission could carry out its delimitation process.¹⁷³ The adjustment included landmines clearing to achieve the demarcation process and support the boundary commission in administrative and logical matters pursuant to Security Council Resolution 1398 (2002).¹⁷⁴

Despite all these efforts, the UN peacekeeping mission did not fulfil its mandate. Meanwhile, recurrent fighting erupted along the mutual boundary of both countries. The Eritrean and Ethiopian border dispute was still unresolved, and tensions were still simmering. Consequently, in July 2008, the UNMEE mission was forced to leave.

¹⁷⁰ Ibid.

¹⁷¹ Unmee: United Nations Mission In Ethiopia And Eritrea .., <http://www.un.org/en/peacekeeping/missions/past/unmee/mandate.html> (accessed August 02,2017)

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Mandate | Unmee, <https://unmee.unmissions.org/mandate> (accessed August 02, 2017).

Chapter Four: The UN Peacekeeping Mission in South Sudan (UNMISS)

4.1. Brief History

South Sudan, the world's youngest state, split from the Republic of Sudan in 2011. Since its secession, South Sudan, like many other African countries, continues to endure devastating civil wars, which are costing it dearly in terms of human lives and financial resources. The causes of the current civil war in South Sudan can be traced to the North-South conflict which had already begun long before its secession from the Republic of Sudan. What makes the situation worse is South Sudan's natural resources endowment, which has thus far not turned out to be a blessing. The uneven distribution of power and resources, in combination with the ethnic nature of the civil war, continues to exacerbate the ongoing destructive war, which the fundamental concern is which ethnic group controls the resources and political power. The war is fought predominantly between the majority ethnic groups, the Dinka and the Nuer.

Two hundred years before their actual separation, Sudan and South Sudan endured vicious colonisation, exploitation, sectarianism, and conflict.¹⁷⁵ Sudan and South Sudan are culturally, ethnically and linguistically diverse. Both countries are estimated to host at least 19 major ethnic groups and 600 sub-ethnic groups.¹⁷⁶ Long ago, South Sudan was lucrative ground for Arab traders for the slave trade, it was endowed with vast resources and rich agricultural potential, but economically and politically marginalised.¹⁷⁷

Decades before the independence of South Sudan, civil war and ethnic conflicts were rife in the Republic of Sudan. The first civil war took place from 1955 to 1972, the predominantly Christian South demanding an autonomous region from the predominantly Muslim Republic of Sudan. For approximately a dozen of years, from 1972 to 1983, the conflict between South Sudan and the Republic of Sudan seemed to die down. It was unfortunate that the civil war broke out again in 1983 between the parties until the cessation of hostilities was agreed upon in 2005 through the Comprehensive Peace Agreement.¹⁷⁸

The Comprehensive Peace Agreement was a turning point in Sudan's history. The CPA bestowed the people of South Sudan with the right to choose their type of government

¹⁷⁵ Sudan And South Sudan: China And Conflict-affected States ..., <http://thedailyjournalist.com/theinvestigative/sudan-and-south-sudan-china-and-c> (accessed August 02, 2017).

¹⁷⁶ Ibid.

¹⁷⁷ Sudan And South Sudan: China And Conflict-affected States ..., <http://thedailyjournalist.com/theinvestigative/sudan-and-south-sudan-china-and-c> (accessed August 02, 2017).

¹⁷⁸ Ibid 2.

and make other political and economic arrangements. Meanwhile, there was great caution in addressing the issue of contested areas, i.e., Abyei, South Kordofan, and the Blue Nile. Furthermore, reparation of damages for war victims was another focus of the CPA.¹⁷⁹

However, as the peacebuilding NGO Conciliation Resources has stated, “The peace agreement has only scratched the surface of the causes of the conflict. Unless historical grievances are addressed, and the environment created for a just political system that accommodates the interest of all, further conflict is likely to follow.”¹⁸⁰

Consistent disregard of the need to confer practical self-governing/autonomy arrangement on the people of South Sudan and flagrant human rights violations triggered the second civil war. When assuming power, every government in Sudan has had its own perspective on the issue of autonomy and self-determination of the people of South Sudan. The founder of the Sudanese People’s Liberation Army (SPLA), Dr John Garang, fought for a unified Sudan, under the motto of even distribution of power and resources.¹⁸¹ Garang as a leader of SPLA was not pro-secession. He insisted on one unified Sudan with equal opportunities for all of its citizens. His idea of a unified Sudan accorded him a Vice-President post in the government of Sudan. Other posts went to the remaining prominent figures of Southern Sudan leaders. It was only after his catastrophic death by helicopter crash that his successors raised the flag of secession. The death of Garang was considered by many to have been caused by technical problems of the helicopter he was riding in, but others thought the aircraft had been sabotaged by forces opposed to Garang’s idea of unity.¹⁸² In the aftermath of Garang’s death, the Southern Sudan leaders boycotted the unity government and withdrew from the coalition of the central government. The ground for withdrawal from the central government was the refusal of central government forces to pull out from oil fields in the South and the lack of any political settlement regarding the territorial sovereignty of oil-rich Abyei.¹⁸³ The Abyei region is the most contested area and is claimed by both parties, the South Sudan and the Sudan. The deficiency of the CPA in addressing critical issues like border delimitation, administration of the contested regions such as Abyei, citizenship rights, debt settlement, resources, and revenue sharing contributed to the disintegration of the government of unity.¹⁸⁴ The CPA’s provided for the creation of the Abyei Boundaries Commission (ABC) to address the border issue. However, the commission could not reach

¹⁷⁹ http://www.c-r.org/downloads/accord18_sudan_policybrief_2006_eng.pdf (accessed August 02 2017).

¹⁸⁰ Ibid footnote 257.

¹⁸¹ Alexander Nicoll. South Sudan’s persistent strife: strategic comments , 20:2,iii-iv,DOI: 2014.

¹⁸² The helicopter belonged to Yuweri Museveni, President of Uganda.

¹⁸³ Ibid.

¹⁸⁴ Attree, Larry. China and conflict-affected states: between principle and pragmatism. Safe world. 2012. P 1.

consensus as to the exact extent or ownership of Abyei region. It presented its findings to the parties in July 2005, Nevertheless; the parties did not approve of these findings.¹⁸⁵ Consequently, an agreement was reached on 21 June 2008, by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A): that the issue of the oil-rich region should be Abyei was to be adjudicated by the Permanent Court of Arbitration (PCA) in The Hague.¹⁸⁶ The argument of the parties concentrated on whether a commission of experts, the Abyei Boundaries Commission expert, the "ABC Experts," had worked within their mandate assigned to them to ascertain Abyei's border.¹⁸⁷ On 22 July 2009, the tribunal proclaimed its verdict. It found that, in the words of the Hague Justice Portal, "the ABC Experts had not exceeded their mandate in adopting a 'tribal' interpretation, but had exceeded the mandate by failing to give sufficient reasons for their conclusions regarding the Northern shared boundary and the Eastern and Western boundaries."¹⁸⁸ Based on concrete and relevant supporting evidence, scholarly, documentary and cartographic evidence the tribunal revised the commission's finding and delimited new borders for the region. The tribunal's verdict decreased the previous total area of the region, and the government of the Republic of Sudan acquired the lion's share of the oil fields.¹⁸⁹

Various factors intensified the conflict between South Sudan's SPLA and the central government in the North; the causes include unfair division of resources, diversity in religion and ethnicity, and, more recently, fierce competition for oil.¹⁹⁰ With the advent of oil production, those who live in and to the area of oil production were more adversely affected by the conflict.¹⁹¹ Sidelining of the minority tribes, uneven sharing of wealth, unfair land use, and encroachment of the oil fields onto pasture lands added fuel to the conflict in parts of the country such as Warrap, Lake, Unity, and Jonglei.¹⁹²

South Sudan enjoyed peace and tranquillity for almost two years. Nevertheless, in December 2013, civil war erupted when the president of South Sudan, Salva Kiir, blamed the former Vice President, Riek Machar, and other officials of trying to depose him from his

¹⁸⁵ Chris Johnson, *Peacemaking and peacekeeping: Reflection from Abyei*. *International peacekeeping*. 2012, p.642.

¹⁸⁶ <http://www.haguejusticeportal.net/index.php?id=9531> (accessed on 12/08/2017).

¹⁸⁷ Ibid.

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Sudan And South Sudan: China And Conflict-affected States ..., <http://thedailyjournalist.com/theinvestigative/sudan-and-south-sudan-china-and-c> (accessed August 02, 2017).

¹⁹¹ Ibid.

¹⁹² Ibid.

post.¹⁹³ The *coup d'état* allegation sparked ethnic cleansing, looting, and rape across the country. Immediately after the allegation, the Ugandan armed forces were deployed to support the government in its fight against the splinter groups.¹⁹⁴

Initially, before the establishment of UNMISS, the UN Mission in Sudan (UNMIS) was supporting the implementation of the comprehensive peace agreement. The CPA provided that the destiny of South Sudan should be decided by popular referendum.¹⁹⁵ The referendum was fixed to take place in January 2011. In the landslide victory of 98.8 percent, the people of South Sudan voted for separation from the Republic of Sudan as an independent and sovereign state.¹⁹⁶ Following the interim period, and the subsequent independence of South Sudan in July 2011, the Security Council established a new mission.

4.2. The Mandate of the UNMISS

Considering that the situation in South Sudan was a risk to international peace and security in general, and the region in particular, the Security Council opted to invoke Chapter VII of the Charter. Initially, Security Council Resolution 1996 (2011) of 8 July 2011 established UNMISS for one year starting from 9 July 2011. However, the Resolution was open for extension should the situation so require.¹⁹⁷

Mindful that, the situation in South Sudan posed a threat to the international peace and security, the Security Council invoked Chapter VII of the Charter. The Security Council:

1. Decides the establishment of UNMISS for a period of one-year renewable upon the situation on the ground, the mission would be staffed with 7,000 military personnel, 900 civil police, and human rights experts.¹⁹⁸
2. Reiterates its endorsement of the agreement accepted and signed by the Government of South Sudan and the SPLM/A on 23 January 2014, further reiterates its endorsement of the Agreement to resolve the dispute in South Sudan signed on 9 May 2014 by Government of South Sudan and the SPLM/A.¹⁹⁹

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ Unmiss Background - United Nations Mission In The Republic ..., <http://www.un.org/en/peacekeeping/missions/unmiss/background.shtml> (accessed August 02, 2017).

¹⁹⁶ Ibid.

¹⁹⁷ Security Council Keeps In Place Peace Mission In South ..., <http://www.un.org/press/en/2014/sc11670.doc.htm> (accessed August 02, 2017).

¹⁹⁸ Ibid

¹⁹⁹ Ibid

3. Urges all parties to engage in an open and fully inclusive national dialogue seeking to establish lasting peace, reconciliation and good governance, including through the full and effective participation of youth, women, diverse communities, faith groups, civil society, and the formerly detained SPLM leaders.²⁰⁰
4. The UNSC appreciated the appointment of a special representative of the Secretary-General and further requested the Secretary-General to coordinate every South Sudan's UN activities.²⁰¹
5. Decides that the mandate of UNMISS include capacity building support to enable South Sudan's government to establish effective and democratic institution.²⁰²

The mission commenced with 7,000 armed military personnel with military liaison officers and staff, including up to 900 civil police, supporting civilian personnel, and human rights investigation experts.²⁰³

The UNMISS peacekeeping mission is special in nature. Its multidimensionality transcends the traditional peacekeeping operations. It was destined not only to supervise the peace agreement and ceasefire but also to assume the responsibilities of state-building and economic development tasks. Its mission encompasses peacekeeping and peacebuilding mandates. It seeks to build peace by creating confidence between warring parties and laying the ground for strong government institutions.

With the escalation of the dispute between the government and splitting armies, it was imperative that the UN increase the manpower of the mission. Due to the exigency on the ground, the number of personnel for the mission was raised to 12,500 military personnel, and up to 1323 civilian police when the Security Council approved the recommendation of the Secretary-General by the Resolution 2132 (2013).²⁰⁴ The increase in personnel aimed at protecting civilians susceptible to physical violence, especially women, and children; including non-nationals, especially in refugee camps, schools, health facilities and oil fields.²⁰⁵

²⁰⁰ *ibid*

²⁰¹ *ibid*

²⁰² *ibid*

²⁰³ Unmiss Mandate - United Nations Mission In The Republic Of South Sudan

<http://www.un.org/en/peacekeeping/missions/unmiss/mandate.shtml> (accessed August 02, 2017).

The number was increased by resolution 2132(2013)

²⁰⁴ *ibid*

²⁰⁵ *ibid*

When the fighting intensified in different areas of South Sudan, the displacement of people increased. A massive number of people sought the protection of UNMISS, and this unprecedented development obliged UNMISS to try to meet the expectations of victims with its meagre resources. Even though the protection of civilians was part of UNMISS's mandates, the human suffering had not been imagined in such magnitude. Against the backdrop of insecurity and due to the unpredictability of the situation, the Security Council modified the mandate of UNMISS several times.

4.3. Deviation from the Mandate and Agreements

It is untimely to assess whether UNMISS has succeeded in carrying out its mandate. In the middle of the continuing political instability, coupled with a shortage of food, the success of the peacekeeping mission can be described as elusive at best. The success or failure of the mission will depend as much on the ability of the peacekeepers for the designated tasks as on the consent and cooperation of the parties in dispute. The host state and the peacekeepers must act jointly to achieve the envisaged goals.

Keeping in mind that missions can only be accomplished through mutual cooperation, the mission is doing its level best to protect civilians according to its proclaimed mandate. Nevertheless, there are some dissatisfactions with regards to UNMISS mission. The UN peacekeeping troops on many occasions have failed to implement their mandate. In early 2016, when armed violence erupted in Malakal, the UN peacekeeping forces deserted their posts rather than protecting civilians at risk.²⁰⁶ The refusal to implement the mandate of the mission by the peacekeepers on the ground certainly affects the UN' credibility adversely. Leaders of certain ethnic groups and victims expressed their discontent over the peacekeepers' conduct. A later inquiry concluded that the UN peacekeeping forces' response was a "chaotic and ineffective," and endangered unprotected civilian life when peacekeepers deserted their posts.²⁰⁷ The deflection from one's own mandate indeed undermines the purpose of the whole mission especially should the peacekeepers abandon the victims seeking their help and protection. This may negatively impact the credibility of future peacekeeping missions. Aware of the dire consequences that might have on the future operations, the UN has taken corrective measure to ameliorate the image of the UN in the face of those shameful occurrences. ; Secretary-General Ban Ki-Moon took the bold decision of sacking the Kenyan

²⁰⁶ UN Peacekeeping In South Sudan: A Kiwi Comes To Juba .., <https://www.cfr.org/blog-post/un-peacekeeping-south-sudan-kiwi-comes-juba> (accessed January 05, 2017).

²⁰⁷ Ibid.

Lt Gen Johnson Mogoia Kimani Ondieki, who was the UNMISS force commander. This measure annoyed the Kenyan government, which threatened to pull out its more than one thousand peacekeepers from South Sudan.²⁰⁸

The UNMISS is not the only one to bear responsibility for the discrepancy occurred in implementing the mission's mandate. The government of South Sudan is equally responsible because it has acted as a stumbling block for the progress of the mission. The government has prevented the mission from carrying out its mandate by denying access to some places, shooting at the peacekeepers, accusing the UN mission of collaborating with anti-government groups, and demanding that the mission withdraw from South Sudan. Due to these hostile actions, the UN has expressed its dissatisfaction on different occasions. The UN peacekeeping mission created a concern within South Sudan's government that the mission was trying to act as an alternative government and was supporting the dissident groups.²⁰⁹ The UN trucks seized in Lake State allegedly carried weapons which were intended to arm the rebels. This provoked the South Sudan government to call for the resignation of the UN special representative and head of the UN mission in the Republic of South Sudan, Hilde Johnson, and for the termination of the UN peacekeeping mission.²¹⁰ One may interpret the continuous unfriendly actions by the government of South Sudan as a withdrawal of its consent. However, the mission had been mandated under Chapter VII "to take all necessary measures," within multidimensional peace enforcement operations. The government of South Sudan may take further frustrating actions against UNMISS, but given the nature of UNMISS's mandate, these actions are likely to lead to the government losing face in the political and military arena. By violating the status of force agreement signed between the government of South Sudan and UNMISS, the government consistently obstructs the mission from carrying out its mandate. Furthermore, the peacekeepers and other staff were attacked by the government forces in July 2016.²¹¹ The Secretary-General, Ban Ki-Moon, in his last report to Security Council, emphasised his concern about the obstruction of the mission which prevented it from moving about the country and implementing its mandate.²¹²

The alleged partiality of the UNMISS mission could not be substantiated with tangible evidence by the government of South Sudan. However, the attacks against UNMISS

²⁰⁸ Ibid.

²⁰⁹ Alexander Nicoll. South Sudan's persistent strife: strategic comments, 20:2,iii-iv,DOI: 2014.

²¹⁰ Ibid.

²¹¹ Megan Roberts. UN peacekeeping in South Sudan: A kiwi comes to juba. Council on foreign relations. January 05,2017.

²¹² Ibid.

troops by the government troops are concretely recorded. As the youngest nation in the international community and with underdeveloped government institutions and security apparatus, the government of South Sudan is not capable of containing the ensuing conflict or curbing the humanitarian crisis by expelling the UNMISS mission. It was only after deployment of UNMISS that the human suffering and the dispute showed signs of mitigation. Replacing UNMISS by the government of South Sudan's troops could have been the worst decision the UN might have taken. If a government fail to protect its citizens in the face of ethnic cleansing and a humanitarian crisis created by war, it is the responsibility of the international community to intervene and curb the human tragedy. Most of all, the resulting upheaval is a threat to international peace and security. Neighboring countries are flooded with refugees, who also pose a security threat to their host countries.

Chapter Five: Discussion

The UN peacekeeping missions in the Horn of Africa have been among the UN's most ambitious and complex operations. The UN and member states have invested heavily in sustaining peace and security in the region. As conflicts in this region have a domino effect that entices rumbling rivalries to come to life, the slightest failure of these missions may open a Pandora's Box, extending conflict to the neighbouring countries. This region has a history of conflict with shifting alliances. During the Eritrean War of Independence, which was fought from 1961 to 1991, the government of Somalia was supporting the Eritrean cause for self-determination. The patronage of the Somali government to the Eritrean cause was not driven by ideological monotony or humanistic purposes. It was simply that Somalia under Siyad Barre saw an opportunity to offset the military muscle of its historical foe, Ethiopia, through a proxy war.

Somalia and Ethiopia fought a war in 1977 over the territory of Ogaden, a Somali-inhabited Ethiopian territory. Somalia had a plan to incorporate the Ethiopian and Djiboutian Somalis under the aegis of greater and territorially-expanded Somalia. However, the aspiration was foiled because of the changing alliances of the great powers during the Cold War. The Siyad Barre regime had a Soviet Union's support before the Soviet Union switched its support to the Ethiopian government, specifically the populist, Marxist-Leninist Derg regime which came to power in 1974. Around the same time, Siyad Barre's regime was losing power in Somalia, so the Soviet Union focused on Ethiopia to secure its dominance in the strategic Horn of Africa region. Geopolitics thus played a significant role in exacerbating tensions between neighbouring countries in this region.

In 1995, war commenced between Eritrea and Yemen over the Greater Hamish Islands in the Red Sea. At this time, Eritrea gained political and moral support from Ethiopia. The Eritrea-Yemen conflict was resolved in 1998 by the Permanent Court of Arbitration. The Eritrean-Ethiopian war began in 1998, with Ethiopia, Sudan, and Yemen joined triad alliance against Eritrea.

A few years earlier, Ethiopia, Eritrea and Uganda had created a coalition under the auspices of the US administration to remove the regime of President Omar al-Bashir of Sudan, which was said to pose a threat of terrorism in the region. However, the mission was aborted due to the divergent interests of the states involved.

A short-lived war between Eritrea and Djibouti in 1998 forced Djibouti to shift its alliance from Eritrea to Ethiopia. There was simmering border tension between Djibouti and Eritrea, and time was ripe for Djibouti to ally with the regional power Ethiopia. Days of war raged between Djibouti and Eritrea after the settlement of the border war between Ethiopia and Eritrea.

This constant shifting of alliances makes the region unpredictable at best and volatile at worst. Even though the war between Eritrea and Ethiopia seemed to abate, it is still underway as a proxy war in Somalia. Both parties are engaged in the Somalia conflict by supporting different factions, making the region a flash point of conflicts. Moreover, the situation had been aggravated, when Eritrea and Ethiopia arm and finance each other's insurgent groups. Hence, neither alliances nor security in this region has ever been guaranteed.

Seen from the context of shifting international and regional alliances in this volatile region, peacekeeping and peacebuilding are never easy. Political commitment and addressing the causes of the conflicts are of vital importance; doing otherwise would be tantamount to curing the symptom instead of the ailment. Thus, the UN needs to search for mechanisms that involve all parties with a vested interest in finding a solution to the flurry of conflicts in the region and propose a broad-based political solution which would be acceptable to all stakeholders.

Perhaps it is too early to say much about South Sudan's allegiance to its neighbouring countries, as it is the newest addition to the international community. It is not long ago that the Derg regime of Ethiopia was in full support of the movement in South Sudan, SPLM. The Ethiopian government was using the support of SPLM as leverage to prevent the Sudanese government from supporting the Eritrean struggle for self-determination. The pressure materialised, all transportation routes through Sudan were closed, and in 1982, the EPLF logistical supplies fell short in the face of the ensuing "sixths military offensive"²¹³ operation of the Ethiopian government. Moreover, as a token of support to the Ethiopian government, Sudan's government granted passage through its territory to attack the EPLF's stronghold from the rear. In 1990, the EPLF army attacked the SPLM army while in route to Asosa, Ethiopia, to support the Oromo Liberation Front (OLF) in its endeavour to topple the Derg regime.

²¹³ During the war for independence in Eritrea, there were eight military offensives (operations) against the Eritrean fighters by Ethiopian government.

5.1 Somalia

The Somali humanitarian crisis, which triggered the intervention of bigger countries like the US and some of its European allies, coincided with the end of Cold War. As a result, the Security Council was about to assume the normal state of affairs demanded by the new era. The disappearance of Cold War rivalry between the US and the USSR resulted in the unity of purpose among the great powers, and in the new unipolar world, the Security Council returned to the regular business of peacekeeping with more ambition and far depth.²¹⁴ It was from this stance that the UN and countries contributing peacekeeper intervened in Somalia. Though the Somali peacekeeping mission is generally seen as having been a catastrophic failure, a minority of observers consider it to be a success story, given the first mandate of UNOSOM I to provide security for humanitarian aid. Humanitarian intervention saved many people. However, when the mission converted to enforcement action, the operation failed to implement the mandates of securing Somalia. Thus, the very idea of a success story in Somalia is not shared by the majority.

The main reason for intervention was to curb the humanitarian crisis, which was aggravated by the civil war fought among warlords to seize government power. By virtue of the intervention, thousands of lives were undoubtedly saved from famine. However, the causes remained unaddressed. Hence, the humanitarian crisis in Somalia continued. Food aid could not heal the problems of the country. Beyond the food crisis, it was the clan-based rivalry that brought about havoc in Somalia and was mismanaged during the intervention. The author concurs with the majority that the Somalian peacekeeping operation was a failed mission. The failure derives from the situation on the ground and inherent problems within the UN system. As Dr Assefaw Bariagaber of Seton Hall University has indicated, “the problem lay within UN itself because it lacked resources and was bloated with an inefficient bureaucracy.”²¹⁵

A clear and achievable mandate is the fundamental tool in any peacekeeping operation, without which the mission is doomed to fail. In Somalia, the three consecutive phases of the peacekeeping mission suffered from a lack of clarity in their mandates. Consequently, a disagreement arose between Secretary-General Boutros-Ghali and the US administration as to the disarmament of factions. The former insisted on the importance of

²¹⁴ Roberts, Adam. Welsh, Jeniffer, Zaum, Dominik . (ed) Lowe, Vaughan. *The Security Council and peacekeeping: the evolution of thought and practice since 1945*. Oxford University press, New York , 2008. P275.

²¹⁵ Bariagaber, Asefaw. *The United Nations and Somalia: an examination of a collective clientelist relationship*. E.J Brill. Leiden, 1996.p 166.

the disarmament of factions towards comprehensive and sustainable peace and security, while the latter admitted the importance of disarmament, but dismissed it as a demand beyond the mandate given to the mission. At this juncture, the transfer of the mandate from UNITAF to UNOSOM II put the UN in a more vulnerable position, with its limited military capability to engage with well-armed factions. The attempts to disarm the militias cost many peacekeepers' lives.

The obscurity of the mandate with regards to disarmament compounded the problem of the mission's uncentralized chain of command under the same mission contributed to the problem. Different peacekeepers contributing countries like the US influenced the behaviour of their soldiers on how to engage and respond to confrontations. There were discrepancies in the rules of engagement among different peacekeeping forces in Somalia.²¹⁶ Some forces counter-attacked instantly, while others had to consult their home country before taking military action.²¹⁷ Some sought direct orders from their immediate force commander; others received all sensitive directives from their central government.²¹⁸ Most of the peacekeeping forces in Somalia were unhappy about the different procedures regarding the rules of engagement and with the American focus against certain factions.²¹⁹ This marked difference in the rules of engagement and the chains of command exacerbated the already existing confusion of mandate regarding the mission. The discrepancies widened the discontent among the peacekeepers, and the faction militia considered some of the peacekeepers as invaders rather than peacekeepers.

Impartiality is a prerequisite for the success of a peacekeeping operation. Once peacekeepers favour one of the parties in a dispute, it is natural for the aggrieved party to withdraw its consent. The three principles of a peacekeeping mission – impartiality, consent, and use of force for self-defence are intertwined. Extracting one principle from the equation negatively affects the other two principles. The peacekeeping mission has to strike a balance among them, and should the balance be disturbed; the mission will be disturbed in the same way. Most of the countries contributing peacekeepers had an agenda beyond securing the peace in Somalia. Captain Burlingame of the U.S. 326 Military Intelligence (MI) Battalion has said that the Italians had intervened in Somalia with their own intentions rather than fulfilling the Security Council Resolutions. He substantiated his claim by producing

²¹⁶ Thakur, Ramish. From peacekeeping to peace enforcement: the UN operation in Somalia. The journal of African studies. Vol.32, No.3, Cambridge University press. 1994. Pp.398.

²¹⁷ Ibid.

²¹⁸ Ibid.

²¹⁹ Ibid.

photographic evidence showing Italians equipping Mohamed Farrah Aidid's faction with arms. He stated that they were providing valuable information which helped Aidid several times to evade his capture.²²⁰ Regarding India and Pakistan, Captain Burlingame asserted that India tempted to send its armies mainly to counter-balance the seemingly growing influence of Pakistan in the UN affairs.²²¹ Free riders like Malaysia deployed their forces to seize the opportunity of cost-free military training by the UN.²²² Furthermore, Egypt was accused by Aidid of seeking to install a compliant pro-Egyptian government. From the above illustrations, the author is of the opinion that the central tenets of impartiality and political neutrality of UN peacekeeping operations were compromised in Somalia. Consequently, the partiality of peacekeepers contributed to the failure of the mission.

The peacekeeping missions in Somalia never received consistent consent from the warring parties. One reason could be the absence of a central government to bestow the consent necessary to fulfil the peacekeeping operations. In Somalia, there were more than 15 faction groups, some of which received less information from the UN about the mission. The focus was on the major factions controlled by Aidid and Ali Mahdi Muhammad. Disregarding the minor factions had its cost, as they were causing damage in different parts of Somalia. Moreover, the consent of the principal factions was not reliable; it fluctuated with the situation on the ground. The withdrawal of consent by the faction leaders had to do with the indistinctness of the mandate, the rules of engagement, and partiality of the peacekeepers.

The mandate was not clear about disarmament; as noted above, the UN took it as a measure vital to ensure the peace and security of Somalia, while the Americans considered it to be possible but not vital. To make things worse, the disarmament targeted at one faction, Aidid's, brushing aside the other main factions. US Ambassador to Somalia Robert Oakley's²²³ assertion of non-partisanship and the unbiased stand was compromised when he preferred certain faction leaders.²²⁴ The targeted disarmament offended Aidid, whose forces challenged the peacekeepers who attempted to search a weapon depot. The resulting incident killed 24 Pakistani contingent soldiers. Conscious of Oakley's policy, Aidid refused the disarmament measure, which would have made his faction a sitting duck. The apparent reason for the refusal to lay down arms could be, as Kenyan scholar Florence Ochieng put it

²²⁰ Bariagaber, Asefaw. *The United Nations and Somalia: an examination of a collective clientelist relationship*. E.J Brill. Leiden, 1996. pp 173-174.

²²¹ Ibid.

²²² Ibid.

²²³ Oakley was a US ambassador to Somalia from 1982 to 1984.

²²⁴ Kapteijns, Lidwien. Test-firing the 'new world order' in Somalia: the US/UN military humanitarian intervention of 1992-1995. *Journal of genocide research*. Vol 15 No 4 2013p.433

in her book the role of the UN in peacekeeping in Africa, “one party in a conflict refuses to negotiate before the other party agrees to lay down its weapons; in turn, the one party fearing the other party’s bad faith, refuse to give up its weapons until it is assured that its interests will be recognized and accommodated in the final peace settlement.”²²⁵ Oakley openly stated that his strategy was to pluck the feathers of the warlords until they were unable to fly.²²⁶

Furthermore, Mahdi was considered as an interim President of Somalia by the US and the UN without any free and fair elections, or the involvement of all factions. All this partiality and vagueness in mandate added to the discontent of the Somali warlords. Consent was not consistent, and without a peace agreement, there was no peace to keep.

The bounty of USD 25,000 place on Aidid’s head as a reward by the Turkish UN force commander in Somalia aggravated the tensions between the UN and Aidid. The manhunt made Aidid a fugitive in his own land. Capitalizing on the reward allotted, Aidid mobilised the support of his clan to conceal him from any eventualities. If not for ignorance of Somali culture, the force commander would not have taken such a measure. Somali culture requires that fellow clan members be protected rather than scapegoated in exchange for money. According to Ochieng, “international intervention must strike an appropriate balance between cultural relativism and universalism.”²²⁷

UN representative Mohammad Sahnoun’s approach to addressing the root causes of Somali problem gained currency among the Somali. He used the pre-existing traditional approach of clan involvement in the political life of the country. This bottom-up approach consolidated support for a vision of a stable Somalia. Sahnoun, an Algerian diplomat, was consistently at odds with UN headquarters for not following orders. He believed that the only lasting solution for the Somali problem was involvement of clans from all walks of life in the political process of the country. The UN officials were not happy about Sahnoun’s approach, and he was replaced by an Iraqi, Ismat Kattani. At this juncture, the UN lost its credibility and a golden opportunity to resolve the Somalia problem. Somalia is now in no better condition, as the clan rivalries and political instability have only increased. Somalia is the model of a failed state over which the central government has no effective control and legitimacy in its territory. Moreover, Somalia is a breeding place for terrorist groups. The cost incurred compared to other missions is enormous. The cost of UNOSOM I was up to

²²⁵ Ochieng, Florence Thira: The role of the United Nations in peacekeeping in Africa: A case study of the peacekeeping operation in Somalia (UNOSOM I and II) and in Mozambique (ONUMOZ) and the lesson to be learned for future peacekeeping missions. University of Vienna. 2002. P 61.

²²⁶ Ibid.

²²⁷ Ibid.

USD 42,931,700, and for UNOSOM II, costs amounted to USD 1,643,485,500.²²⁸ The costs compared to the results meant intervention was a negative-sum game.

5.2 Eritrea and Ethiopia

In October 2005, the Eritrean government, dissatisfied by the UN's failure to fulfil its mandate regarding implementing of the border commission's decision, obstructed the peacekeepers from monitoring the buffer zone. Moreover, the government of Eritrea prohibited UN helicopters from making reconnaissance flights over the temporary security zone, which considerably undermined UNMEE's capability to patrol the disputed area.²²⁹ Meanwhile, Eritrea and Ethiopia both stockpiled weapons and fortified their military presence along their common borders. In its Resolution 1640, the Security Council warned both parties that they would be sanctioned should their actions not cease and they continue to fail, and that they must respect the peace agreement.²³⁰ Frustrated at the UN's lack of progress in getting Ethiopia to abide by the final and binding boundary commission ruling, Eritrea ordered the expulsion of North American, European and Russian peacekeepers from UNMEE. Given the historical relationship and the special place of Ethiopia in American foreign policy and security strategy, Ethiopia was disregarding the border commission's decision.²³¹ Most diplomats believe that "UNMEE was perceived as American business."²³² The US was the mastermind behind the Algeria agreement and the establishment of a peacekeeping mission; nevertheless, due to the close relationship between the US and Ethiopia, the US hindered the Security Council from taking appropriate actions against Ethiopia's default in executing the border commission's ruling.²³³ In January 2006, the situation in the border area worsened. Fears rose that the area would backslide into war, so the Security Council initiated a mediation effort to defuse the tension.²³⁴

On 8 November 2006, the government-owned Eritrean news media began a smear campaign against the UN peacekeeping missions saying that the UN perpetuate "neo-

²²⁸ Christian E. Philipp. Somalia- A very special case. Max planck year book of United Nation law volume 9, Brill N.V Netherland . 2005 p 548.

²²⁹ Ethiopia And Eritrea - Global Policy Forum, <https://www.globalpolicy.org/security-council/index-of-countries-on-the-security> (accessed 27, July 2017).

²³⁰ Ibid.

²³¹ Ibid.

²³² Gowan and Whitefield. Security Council working method and UN peace operation: the case of UNMEE. New York University, 2011 p 5.

²³³ Ibid.

²³⁴ : Ethiopia And Eritrea - Global Policy Forum, <https://www.globalpolicy.org/security-council/index-of-countries-on-the-security> (accessed 27 July, 2017).

colonialism,” espionage, and sustaining wars.²³⁵ Amid the heightened tension between Eritrea and the UN, the government newspaper, *Eritrean Profile*, attacked the peacekeeping mission as a money-making institution which indulged in wars and genocide.²³⁶ The newspaper fiercely attacked the deployment of UN peacekeepers to the war-torn Darfur region, alleging that the purpose of the peacekeeping troop deployment is to compromise the sovereignty of the Sudanese government.²³⁷

An editorial was published few days after the Eritrean government-brokered peace pact was signed between the Sudanese government and its eastern insurgents.²³⁸ Even if there was no clear mention of UNMEE, the editorial came out at the time of increasing confrontation between the Eritrean government and the UN.²³⁹

In late August 2007, the Eritrean government detained UNMEE staff members for several weeks and expelled five others allegedly accusing them of espionage. The Eritrean government reacted angrily when UNMEE forces shot dead an Eritrean man. Meanwhile, the Security Council expressed growing frustration with Eritrea, accusing it of a “major breach” of the ceasefire with its arch-foe neighbour, Ethiopia, because sent troops into a demilitarised buffer zone. The Security Council demanded the withdrawal of these troops, but Asmara refused, and, under threat of sanctions, refused to comply with the nearly year-old demands for it to lift restrictions on UNMEE patrols. Eritrea made the implementation of the peace agreement as a pre-requisite to withdraw its troops from the buffer zone.

According to an interview conducted with the ex-commissioner of the peacekeeping mission in Eritrea, Brigadier Abrehale Kifle, an inquiry commission composed of US and Rwandan diplomats accused Eritrea of starting the war even without visiting the war zone. Furthermore, one of the mandates of the peacekeeping mission was to give support the demarcation and put in place the border poles. However, Ethiopia failed to abide by the ruling of the court of arbitration. The refusal by Ethiopia was abated by the Washington administration. If the peacekeeping mission defaulted in fulfilling its mandates, there was no reason for it to continue.

²³⁵ United Nations Ì - Unmis.unmissions.org, https://unmis.unmissions.org/sites/default/files/mmr-nov09_0.pdf (accessed July 25, 2017).

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ United Nations Ì - Unmis.unmissions.org, https://unmis.unmissions.org/sites/default/files/mmr-nov09_0.pdf (accessed July 25, 2017).

²³⁹ Ibid.

The peacekeeping force consistently violated the agreement entered into by visiting areas which were not designated as operation zones and conducting an aerial reconnaissance in areas that were not part of the agreement. Hence, the Eritrean government restricted the movement of the peacekeepers to the areas of operation and limited their fuel ration to the minimum. As a result of which the mission was unable to perform its duty.

The peacekeeping forces were abusing their functional immunity and privileges to an extent which harmed the morale of the people and violated the law of the land. Traffic law violations were daily occurrences. Furthermore, crimes including smuggling of individuals and goods by UNMEE helicopters and trucks, exchange of hard currencies on the black market, and performing pornographic acts.

The Eritrean Acting Commissioner for Coordination with the Peacekeeping Mission, Zekarias Ogbagaber, reiterated the same while adding to the facts above. Despite the status of forces agreement pursuant to which the mission operates, the peacekeeping forces abused their immunity, by hiring locals in violation of the Labour Proclamation of Eritrea. They employed people to evade national service, which is an obligation of citizens in Eritrea. They offered jobs for sex, established a radio station without the consent of the government, and rented houses illegally to avoid taxes, which in turn created rental price inflation.

According to Ogbagaber, many of the offences were tolerated on a number of occasions. Sometimes the malfeasance gave rise to public uproar. Due to the immunity of the peacekeepers', the courts were not in a position to prosecute them, and expulsion was the only option. Nevertheless, prosecution in their home countries of the peacekeepers or through the UN system was never guaranteed.

In some instances, Ethiopia, too, felt offended by the conduct of the members of UNMEE when they allegedly surpassed their mandate. On 27 April 2002, Ethiopia accentuated its entitlement by preventing UN staff members from crossing its border when journalists from Asmara accompanied by the UNMEE had visited the town of Badme, the pretext of the war, without previously notifying Ethiopia. The Ethiopian government requested the removal of the military head of the UNMEE peacekeeping mission, Major-General Patrick Cammaert, who violated the standard code of procedure.²⁴⁰ The sanction imposed by the Ethiopian government preventing UNMEE from cross the Ethiopian border was relaxed after nine days later when the UN apologised for the incident. However, the

²⁴⁰ Philip white. The Eritrean-Ethiopia border arbitration. Review of African political economy, 2007. P 354.

Ethiopian request to remove Cammaert was not realised, in the meantime, Ethiopian threat to re-close its border remained.²⁴¹

At later stages of the UNMEE, the Security Council neglected the mission, and troop-contributing countries started to withdraw their forces and reduced their financial contributions. Consequently, the funding and the number of UNMEE staff dwindled substantially. Furthermore, UNMEE was often dismissed as a “technical mission, in contrast to the more absorbing state-building exercise of the 1990s.”²⁴² During the unstable stages of the mission, only a few member state delegations in the UN (Belgium, Greece, Italy, Japan, Norway, South Africa, the UK and the US) considered the case of UNMEE.²⁴³ This lack of interest again limited what the Security Council could do under given circumstances.

In 2008, the UN mission in Ethiopia and Eritrea, UNMEE, was terminated by the Security Council Resolution 1827 (2008). The resolution obliged both countries to work together with the UN to bring the mission to an end.²⁴⁴ The resolution called upon both countries to “comply fully with their obligations under the Algiers Agreements, to show maximum restraint and refrain from any threat or use of force against each other, and to avoid provocative military activities.”²⁴⁵

The Security Council did not bother to enforce its resolution through Chapter VII although the conflict was a threat to the peace and security of the region and the world. Consequently, after the termination of the mission, there remained evidence of military conflicts between Eritrea and Ethiopian. The situation still remains a threat to the peace and security of the world

5.3 South Sudan

UNMISS is the most recent missions in the Horn of Africa, and it is still functioning until a stable political solution can be found. It is premature to analyse the success or failure of the mission while it is still active. The indication is that there seems to be no consistent relationship between the UN and the South Sudanese government.

²⁴¹ Ibid.

²⁴² Gowan and Whitefield, Security Council working methods and UN peacekeeping operation: the case of UNMEE. New University. 2011. P 6.

²⁴³ ibid

²⁴⁴ United Nations Security Council Resolution 1827 - Wikipedia, https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_1827 (accessed August 02, 2017).

²⁴⁵ Ibid.

The government accuses the peacekeepers of helping splinter groups against the government. The government claims that “the government soldiers intercepted a truck loaded with weapons destined to the splinters.”²⁴⁶ Nevertheless, there was no concrete evidence to that effect. However, the government continued to show that it was willing to withdraw its consent, which it did, for instance, by recalling its chief mission coordinator and calling for the UN mission to leave the country. In one event, South Sudanese soldiers fired at a UN peacekeeping post. The government actions amounted to an impediment to the UN mission in carrying out its mandate. Although the act justified a prompt and proportional response from the UN peacekeepers, it was only seen as a collateral incident of the ensuing war.

As discussed above, UNMISS troops were accused of deserting their posts in a time of conflict. Instead of responding to an ongoing clash, they refused to fire back at the perpetrators. The disobedience of peacekeepers put thousands of civilians at risk. The dismissal of the force commander was a point of contention between the UN and the Kenyan government. So far, if not entirely, we can presume that most of the UNMISS peacekeepers are doing their level best in fulfilling their mandates.²⁴⁷

²⁴⁶ Alexander Nicoll. South Sudan’s persistent strife: strategic comments, 20:2,iii-iv,DOI: 2014.

²⁴⁷ Currently it is too early to assess the overall mission success or failure. So far there are criticism to UNMISS mission and in the other hand there are commendable job. In nutshell, the overall mission can be assessed after its termination.

Chapter Six: Conclusion and Recommendations

6.1. Conclusion

The UN peacekeeping mission in Somalia opened a new chapter in the new world order after the demise of the bipolar-oriented Cold War. The mission was ambitious in terms of the money and personnel allocated. Though the UN and its members invested heavily in the Somalia peacekeeping mission, no praiseworthy result was obtained. The reasons for the failure of the mission are diverse. The primary factor was the lack of a clear and coherent mandate about the core mission's responsibility which caused the mission lose its sense of direction. The partiality of some of the peacekeeping forces towards specific factions and the manhunt against Mohamed Farrah Aidid exacerbated the situation. Consequently, consent was not always consistent and; it was withdrawn when the mission changed to an enforcement operation. With more than fifteen factions, some of them with insignificant power, the consent of all factions was not secured. The UN failed to seize the opportunity of the local bottom-up dispute resolution approach as a sustainable solution to the Somali problem.

Due to UN's incapability and the failure of the warring parties to comply with agreements, the UN peacekeeping mission in Somalia could not carry out its mandate, and it is considered by most to be a failed mission.

Turning to Eritrea and Ethiopia, the UNMEE mission was terminated without accomplishing the mandate it assumed. The Security Council, by its Resolution S/RES/1827 of 30 July 2008, terminated UNMEE's mandate, effective 31 July 2008. If not for the inefficacy of the UNMEE, the parties involved, Eritrea and Ethiopia, would not have been prompt to undermine its peacekeeping mission. The mission's mandate to establish a temporary security zone (TSZ) was not realised. It is true that UNMEE was acting within its mandate, but the UN, as a guarantor of the peace agreement which was entrusted to oversee the peace and security of the world, was vicariously responsible for not accomplishing the desired result of peace and security. Moreover, lack of interest and authorisation by the Security Council to enforce the mandate of UNMEE aggravated the tension between the parties to the dispute, Ethiopia and Eritrea.

The peacekeepers blamed both parties, Eritrea and Ethiopia, for the failure of its mission. Here, no party is exonerated of its wrongdoing. Both Eritrea and Ethiopia contributed to the

failure of the mission, the former by restricting the movement of UNMEE, and the latter by declining to abide by the ruling of Permanent Court of Arbitration

Pursuant to the agreement, the duration of the mission is until the last border pillar is put in place, i.e. “the last pillar ends the peacekeeping operation.” The Boundary Commission gave its verdict in 2003, and subsequently, it virtually delimited the border between Eritrea and Ethiopia, but the stalemate still continues. The resolution of the Security Council to terminate the mission was not the right option giving UNMEE had been in operation for eight years, with a recurrent annual budget of USD 186 million. The mission left both countries in a stalemate, neither keeping the peace nor building it. The final and binding ruling of the border Border Commission is in suspension. The mission left the countries in a more vulnerable situation, as a result of which there is a high probability of war between them. As mentioned above, none of the parties involved was up to the expectations laid down in consecutive agreements and principles.

In a nutshell, the lack of interest of the Security Council to enforce the mandate of UNMEE by a further resolution, the failure of the warring parties to abide by the terms of the peace agreement, and their purposeful obstruction of mission’s activities are the contributing factors of the failure of the mission.

As to the South Sudanese peacekeeping mission, it seems untimely to reach conclusions regarding the efficacy of the mission. Even though there are some hiccups which provide indications regarding the future of UNMISS, they are not conclusive enough to allow an assessment concerning course the mission will take. The peacekeeping mission is still active and carrying out its mandate commendably. The author is of the opinion that the efficacy of the mission could be assessed by further research after the mission is accomplished.

All in all, the UN peacekeeping missions of UNOSOM I, UNITAF, UNOSOM II, and UNMEE were not a success story. Their failure owes to the lack of interest of the Security Council, partiality, lack of consent, and unclear mandates and rules of engagement.

6.2. Recommendations

- The UN has to meet the expectations of communities in need of peacekeeping missions and find better solutions by any means necessary. Most importantly, the mandate of peacekeeping missions should be unequivocally declared. The rules of engagement of in peacekeeping missions should be clear and equally applicable to all contingents under a central command. Well-defined and achievable mandates are more successful than vaguely-drafted mandates.
- UN peacekeeping operations must implement their mission based on the guiding principles of impartiality, neutrality, and use of force only in self-defence. Peacekeepers must maintain neutrality in matters related to the internal affairs of a state but must be impartial in implementing their mandate.
- The UN has to keep data/records relating to intermittent conflict zones. The data should address the potential causes of conflict and its interrelations with the regional conflicts and interests as a whole. Singling out a specific conflict without focusing on its relationship with other conflicts is nothing but curing the symptom rather than the ailment.
- Having a UN's standing army for peacekeeping purposes may partly resolve some of the problems of peacekeeping missions. The standing army must have adequate military and legal training, which are essential in carrying out their mandates in operations.
- Establishing regional and sub-regional peacekeeping forces is imperative to minimise the time of deployment and the cost incurred with deployment. Most importantly, such forces are more aware of the culture and social texture of their region. Regional and sub-regional peacekeeping missions build confidence between conflicting parties and create a feeling of belonging. Moreover, they avoid a problem that Western peacekeeping forces perceived to be seen as an instrument of neocolonialism.

- The UN has to employ robust forces so as not to be overwhelmed by disputing parties. Well-equipped and well-staffed peacekeeping armies deter spoilers from continuing to impede the mission. However, the response should not be disproportionate and should aim at keeping the perpetrators at bay.
- The UN should be culturally sensitive in engaging in international and national conflicts. Customs and traditions are powerful instruments in tackling societal problems. The UN has to seize the opportunity to use local culture as a solution to local problems.
- Peacekeeping is not a lasting solution to internal disputes. The UN has to earmark a special body within the Department of Peace Keeping Operation (DPKO) which should oversee the post-conflict situation. The Peacebuilding is a mechanism which creates trust between and among conflicting parties. Building the institutional capacity of the postwar state is one way of preventing war from recurring. Moreover, the UN has to invest more in peace-making to resolve disputes through diplomatic means.

Abstract

The Horn of Africa is a very volatile region on the African continent. For decades, it has been ravaged by drought, and by bloody conflicts within and between clans, ethnic groups, and states. These conflicts, caused by fierce competition for the region's scarce resources, are aggravated by the conflicting interests of the region's authoritarian rulers, who are determined to cling to power at any cost. This thesis focuses on the efficacy the UN peacekeeping missions in three trouble countries of the region: Eritrea and Ethiopia (UNMEE), Somalia (UNOSOM I, UNITAF, and UNOSOM II), and South Sudan (UNMISS). The Eritrean-Ethiopia conflict being an inter-state war and the other two are intra-state wars.

The research established that these UN missions have been rendered less effective by a number of factors, *inter alia*, lack of clearly defined mandates and rules of engagement; partiality of the peacekeepers in executing their mandates; lack of adequate logistics and personnel; and the warring parties' failure to respect the terms of the agreements they agreed to abide by. In the case of Eritrea and Ethiopia, the UN mission was crippled because the UN Security Council failed to amend the mission's mandate so as to force both countries to implement the peace agreement they entered to and were expected to abide by. While the two earlier UN missions – in Somalia, and in Eritrea and Ethiopia – were unable to implement the terms of their mandates, and thus failed. It is too early to pass judgment on the UN's effectiveness in South Sudan because UNMISS is still a running mission. For the UN to have successful peacekeeping missions, it should make sure that it adheres to the trinity principles of its peacekeeping missions, and that it gives precedence to local mechanisms of dispute resolution rather than imported ones.

Zusammenfassung

Das Horn von Afrika ist eine sehr volatile Region auf dem afrikanischen Kontinent. Die Region wurde in den vergangenen Jahrzehnten durch Dürre, Intra-Clan und intra-ethnische Konflikte und zwischenstaatliche Kriege verwüstet. Diese Kriege, die ihre Wurzeln im Kampf um die dort gelegenen Ressourcen haben, werden durch widersprüchliche Interessen der autoritären Herrscher der Regionen verschärft. Diese sind entschlossen, sich um jeden Preis an die Macht zu klammern. Diese These konzentriert sich auf die Wirksamkeit der Friedenssicherungsmissionen der Vereinten Nationen in drei betroffenen Ländern dieser Region: Eritrea und Äthiopien (UNMEE), Somalia (UNOSOM I, UNITAF und UNOSOM II) und Südsudan (UNMISS). Der Eritrean-Äthiopien-Konflikt war ein zwischenstaatlicher Krieg, weil die letzteren beiden Fällen innerstaatliche Kriege sind.

Die Forschung stellte fest, dass die Missionen – zumindest in Somalia – aus mehreren Gründen keine Erfolge verzeichneten. Dies resultierte unter anderem an fehlerhaft definierten Mandaten und Regeln des Engagements; Parteilichkeit der Friedenstruppen bei der Ausführung ihrer Mandate, Mangel an adäquater Logistik und Personal, und das Versäumnis der kriegführenden Parteien, die Bedingungen der Vereinbarungen zu respektieren. Im Fall von Eritrea und Äthiopien schlug die Mission fehl, weil der UN-Sicherheitsrat es verabsäumte, das Mandat der Mission zu ändern, um beide Länder zu zwingen, das Friedensabkommen, in das sie eingewilligt hatten, umzusetzen. Während die beiden UN-Missionen (in Somalia und in Eritrea und Äthiopien) die Bedingungen ihrer Mandate nicht umgesetzt haben, ist es noch zu früh, die Anwesenheit der UNO im Südsudan beurteilen zu können, weil UNMISS noch nicht abgeschlossen ist. Um erfolgreiche Friedenssicherungsmissionen garantieren zu können, sollte die UNO sicherstellen, dass die Trinitätsprinzipien ihrer Friedenssicherungsmissionen eingehalten werden und auch, dass lokale Mechanismen der Konfliktlösung importierten Konzepten vorgezogen werden.

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