

6. THE SITUATION IN SOMALIA

Decision of 26 March 1993 (3188th meeting): resolution 814 (1993)

On 3, 11 and 22 March 1993, pursuant to resolution 794 (1992) of 3 December 1992, the Secretary-General submitted a further report¹ on Somalia. In his report, the Secretary-General described his efforts to implement resolution 794 and introduced his plan for the transition from the United Task Force (UNITAF) to the United Nations Operation in Somalia (UNOSOM II). The Secretary-General reported that the situation in many parts of the country remained complex and tense, especially in rural areas and along Somalia's borders with Ethiopia and Kenya. The recent murders of relief workers had highlighted the extreme fragility of the security situation, in spite of the presence of large numbers of military forces. They had also highlighted again the importance of a secure environment for the effective delivery of emergency relief and rehabilitation assistance. Pointing out that the needs of Somalia were immense and urgent, the Secretary-General outlined three major challenges in 1993, which were to facilitate the voluntary return of 300,000 refugees and internally displaced persons; to provide jobs for the many millions unemployed; and to assist in national capacity-building, since national and regional Somali institutions and civil administration had virtually ceased to exist. To achieve those objectives, the United Nations, in close cooperation with relevant organizations of the United Nations system and international NGOs, as well as Somali representatives, were putting together a humanitarian programme for 1993. The Secretary-General called upon donors to support that programme at the United Nations Humanitarian Conference, to be held in Addis Ababa from 11 to 13 March 1993.

¹ S/25354 and Add.1 and 2.

The Secretary-General warned that the proliferation of land mines in Somalia could severely hamper humanitarian efforts. In that regard, he intended to establish a coherent and integrated programme for the removal of mines in Somalia. He stated that a mine awareness programme should also be established among refugees and displaced persons.

With regard to political reconciliation, the Secretary-General reported that he had continued to promote efforts towards such reconciliation in cooperation with the regional organizations. However, his efforts had been hindered by the circumstances prevailing in Somalia, including the non-existence of a Government, the multiplicity of parties, factions and leaders, and the absence of law and order in all parts of the country. The major political development since his last report had been the convening in Mogadishu, after significant delays, of the Ad Hoc Committee to resolve the criteria for participation at, and the agenda of, the National Reconciliation Conference. The Committee had met on 23 and 27 February and adopted a report on participation, the draft agenda and decision-making procedures. The Somali National Alliance (SNA) had submitted reservations regarding the criteria for participation. The Secretary-General pointed out that it was essential to maintain the momentum gained in Addis Ababa, at the informal meeting for a Conference on National Reconciliation and Unity, on 4 January 1993, and to proceed with the convening of the conference. In that regard, he informed the Council of his intention to invite a broad cross-section of Somalis to participate in the conference, to ensure that the validity and decisions of the Conference would be recognized by the Somali public at large.

The Secretary-General reiterated his view that without improved security throughout the country, the political process could not prosper and humanitarian operations would remain vulnerable to disruption. Acknowledging that UNITAF had made an important contribution in that regard, he pointed out, however, that recent events on the ground had demonstrated that the situation was still volatile, that a secure environment had not yet been established and that there was still a threat to international peace and security. Therefore, the Council should be prepared to ensure that UNOSOM II was fully in a position to carry out its tasks. The mandate of UNOSOM

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II, as conceived in his report², would confer authority for appropriate action, including enforcement action as necessary, to establish throughout Somalia a secure environment for humanitarian assistance. To that end, UNOSOM II would seek to complete, through disarmament and reconciliation, the task begun by UNITAF for the restoration of peace, stability, law and order. The mandate would also empower UNOSOM II to assist the Somali people in rebuilding their shattered economy and social and political life, re-establishing the country's institutional structure, achieving national political reconciliation, recreating a Somali State based on democratic governance, and rehabilitating the country's economy and infrastructure. The Secretary-General also underlined that there must be a smooth transition from UNITAF to UNOSOM II. The deployment of UNOSOM II would be at his discretion, as well as that of his Special Representative and the Force Commander, acting under the authority of the Security Council and would have to cover the whole country, including its borders, in order to control the movement of refugees, prevent the illicit introduction of arms into Somalia, and avoid destabilization of the neighbouring countries. Furthermore, Member States should be encouraged to monitor and report violations of the arms embargo. The Secretary-General maintained that the political will to achieve security, reconciliation and peace must spring from the Somalis themselves. Even if UNOSOM II were authorized to resort to forceful action, it could not and must not be expected to substitute itself for the Somali people, nor could or should it use its authority to impose one system or another of governmental organization. It should, however, be in a position to press for the observance of United Nations standards of human rights and justice. The Secretary-General concluded by saying that UNOSOM II would be the first operation of its kind to be authorized by the international community. It would also be an answer of the international community to the universally shared concern that the situation in Somalia, though primarily of a domestic nature, could affect the peace and stability of the entire region.

At its 3188th meeting, on 26 March 1993, the Security Council included in its agenda the further report of the Secretary-General of 3, 11 and 22 March 1993. Following the adoption of

² For details on the proposed mandate see *ibid.*, paragraphs 56 – 88.
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the agenda, the Council invited the representative of Somalia at her request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution³ that had been prepared in the course of the Council's prior consultations and read out a revision made to the draft. He also drew attention to several other documents⁴, including two reports⁵ of the Secretary-General, of 19 December 1992 and 26 January 1993, on the situation in Somalia, submitted in pursuance of resolution 794 (1992) of 3 December 1992.

In his report of 19 December 1992, the Secretary-General had recalled that the Council had accepted his advice that the traditional peace-keeping model was not suitable to the Somali situation and, acting under Chapter VII of the Charter, had adopted resolution 794 (1992), entrusting to certain Member States, on a temporary basis, the responsibility for creating a secure environment for the unimpeded delivery of humanitarian assistance. The Secretary-General had set out, in his report of 19 December 1992, his ideas for a new mandate for UNOSOM and the modalities for effecting the transition from UNITAF to continued peace-keeping operations. In doing so, he had pointed out that the UNITAF had been on the ground for only 10 days and that it was too early to make an evaluation of its success and of the resources that would be required to enable UNOSOM to maintain a secure environment for humanitarian operations. Therefore, the plan submitted could only be regarded as a conceptual plan. Moreover, no decision should be taken on the proposed approach until the situation on the ground in Somalia had become clear.

³ S/25472.

⁴ S/24976 and S/25126, letters dated 17 December 1992 and 19 January 1993 from the Permanent Representative of the United States of America addressed to the President of the Security Council; S/24992, report of the Secretary-General on the situation in Somalia dated 19 December 1992; S/25168, progress report of the Secretary-General on the situation in Somalia dated 26 January 1993; S/25072, letter dated 7 January 1993 from the Permanent Representative of Canada addressed to the President of the Security Council; S/25163, letter dated 25 January 1993 from the Permanent Representative of the United Arab Emirates addressed to the President of the Security Council; and S/25312, letter dated 18 February 1993 from the Permanent Representative of Kuwait addressed to the President of the Security Council.

⁵ S/24992 and S/25168.

In his report of 26 January 1993, the Secretary-General had reported, *inter alia*, on his efforts to promote national reconciliation in Somalia. The major development had been the convening of an informal preparatory meeting for a conference of national reconciliation and unity on Somalia, in Addis Ababa, from 4 to 15 January 1993, in which the three following agreements were concluded: (a) General Agreement of 8 January 1993; (b) Agreement on implementing the cease-fire and on modalities of disarmament; and (c) Agreement on the establishment of an ad hoc committee to help resolve the criteria for participation at and the agenda for the national reconciliation conference. The meeting had also agreed on the convening of a national reconciliation conference in Addis Ababa on 15 March 1993.

Speaking before the vote, the representative of Djibouti described Somalia as a modern anomaly, a land with no effective mechanism for governance. There were no financial institutions, government offices, schools, hospitals, police, military or political organs of government. In his view, reconstructing Somalia would entail many critical choices which had to be made by the Somalis themselves. He remained optimistic that available skilled and trained Somali manpower could be lured to participate in the reconstruction. The vital question the international community faced was the manner in which that could be best achieved. He suggested in that regard that its role was, perhaps, at bottom, to provide a secure basis for Somalia's institutional re-emergence. Turning to the draft resolution, the speaker expressed his belief that it sufficiently reflected the mandate, as well as the resources, desired by the Secretary-General to fulfill his responsibilities. He noted in that regard the attention given to matters of transition and coordination between UNITAF and UNOSOM II, the continuing need to realize full and effective disarmament and pacification, to refocus the Council priorities from humanitarian aid to rebuilding and reconstruction, and to help the Somali people achieve political governance.⁶

⁶ S/PV.3188, pp.7-10.

The representative of the United States contended that, by adopting the draft resolution, the members of the Council would signify that it was time for the United Nations to resume its rightful leadership role in restoring peace to Somalia and in creating conditions for Somalis to choose their own future. She noted that the Council would be embarking on an unprecedented enterprise aimed at the restoration of an entire country as a functioning and viable member of the community of nations. She further noted that the draft resolution would engage the world community to provide the most comprehensive assistance ever given to any country, but to do so with few lessons and no models to guide its path. Meanwhile the Secretary-General had to oversee the continued cease-fire, disarmament, the maintenance of security, further relief and humanitarian assistance, reconstruction and economic renewal, refugee repatriation, the creation of civilian administration, and political reconciliation.⁷

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 814 (1993). The resolution reads as follows:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992 and 794 (1992) of 3 December 1992,

Bearing in mind General Assembly resolution 47/167 of 18 December 1992,

Commending the efforts of Member States acting pursuant to resolution 794 (1992) to establish a secure environment for humanitarian relief operations in Somalia,

Acknowledging the need for a prompt, smooth and phased transition from the Unified Task Force to the expanded United Nations Operation in Somalia,

Regretting the continuing incidents of violence in Somalia and the threat they pose to the reconciliation process,

Deploing the acts of violence against persons engaging in humanitarian efforts on behalf of the United Nations, States, and non-governmental organizations,

⁷ *Ibid.*, pp. 18-19.

Noting with deep regret and concern the continuing reports of widespread violations of international humanitarian law and the general absence of the rule of law in Somalia,

Recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

Acknowledging the fundamental importance of a comprehensive and effective programme for disarming Somali parties, including movements and factions,

Noting the need for continued humanitarian relief assistance and for the rehabilitation of Somalia's political institutions and economy,

Concerned that the crippling famine and drought in Somalia, compounded by the civil strife, have caused massive destruction of the means of production and the natural and human resources of that country,

Expressing its appreciation to the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries for their cooperation with, and support of, the efforts of the United Nations in Somalia,

Also expressing its appreciation to all Member States which have made contributions to the fund established pursuant to paragraph 11 of resolution 794 (1992) and to all those who have provided humanitarian assistance to Somalia,

Commending the efforts, in difficult circumstances, of the initial United Nations Operation in Somalia established pursuant to resolution 751 (1992),

Further expressing its appreciation for the invaluable assistance the neighbouring countries have been providing to the international community in its efforts to restore peace and security in Somalia and to host large numbers of refugees displaced by the conflict, and noting the difficulties caused to them by the presence of refugees in their territories,

Convinced that the restoration of law and order throughout Somalia would contribute to humanitarian relief operations, reconciliation and political settlement, as well as to the rehabilitation of Somalia's political institutions and economy,

Convinced also of the need for broad-based consultations and deliberations to achieve reconciliation, agreement on the setting up of transitional government institutions and consensus on basic principles and steps leading to the establishment of representative democratic institutions,

Recognizing that the re-establishment of local and regional administrative institutions is essential to the restoration of domestic tranquility,

Encouraging the Secretary-General and his Special Representative to continue and intensify their work at the national, regional and local levels, including and encouraging broad participation by all sectors of Somali society, to promote the process of political settlement and national reconciliation and to assist the people of Somalia in rehabilitating their political institutions and economy,

Expressing its readiness to assist the people of Somalia, as appropriate, on a local, regional or national level, to participate in free and fair elections, with a view towards achieving and implementing a political settlement,

Welcoming the progress made at the United Nations-sponsored informal preparatory meeting on Somali political reconciliation held at Addis Ababa from 4 to 15 January 1993, in particular the conclusion at that meeting of three agreements by the Somali parties, including movements and factions, and welcoming also any progress made at the Conference on National Reconciliation which began in Addis Ababa on 15 March 1993,

Emphasizing the need for the Somali people, including movements and factions, to show the political will to achieve security, reconciliation and peace,

Taking note of the reports of States concerned of 17 December 1992 and 19 January 1993 and of the reports of the Secretary-General of 19 December 1992 and 26 January 1993 on the implementation of resolution 794 (1992),

Having examined the further report of the Secretary-General of 3, 11 and 22 March 1993,

Welcoming the intention of the Secretary-General to seek maximum economy and efficiency and to keep the size of the United Nations presence, both military and civilian, to the minimum necessary to fulfil its mandate,

Determining that the situation in Somalia continues to threaten peace and security in the region,

A

1. *Approves* the further report of the Secretary-General of 3, 11 and 22 March 1993;
2. *Expresses its appreciation* to the Secretary-General for convening the Conference on National Reconciliation for Somalia in accordance with the agreements reached during the informal preparatory meeting on Somali political reconciliation in Addis Ababa in January 1993 and for the progress achieved towards political reconciliation in Somalia, and also for his efforts to ensure that, as appropriate, all Somalis, including movements, factions, community leaders, women, professionals, intellectuals, elders and other representative groups are suitably represented at such conferences;

3. *Welcomes* the holding of the Third United Nations Coordination Meeting for Humanitarian Assistance for Somalia at Addis Ababa from 11 to 13 March 1993 and the willingness expressed by Governments through this process to contribute to relief and rehabilitation efforts in Somalia, where and when possible;

4. *Requests* the Secretary-General, through his Special Representative and with assistance, as appropriate, from all relevant United Nations entities, offices and specialized agencies, to provide humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation, in accordance with the recommendations contained in his report of 3 March 1993, including in particular:

(a) Assistance in the provision of relief and in the economic rehabilitation of Somalia, based on an assessment of clear, prioritized needs and taking into account, as appropriate, the 1993 Relief and Rehabilitation Programme for Somalia prepared by the Department of Humanitarian Affairs of the Secretariat;

(b) Assistance in the repatriation of refugees and displaced persons within Somalia;

(c) Assistance to help the people of Somalia to promote and advance political reconciliation, through broad participation by all sectors of Somali society, and the re-establishment of national and regional institutions and civil administration in the entire country;

(d) Assistance in the re-establishment of Somali police, as appropriate at the local, regional or national level, to assist in the restoration and maintenance of peace, stability and law and order, including in the investigation and facilitating the prosecution of serious violations of international humanitarian law;

(e) Assistance to the people of Somalia in the development of a coherent and integrated programme for the removal of mines throughout Somalia;

(f) Development of appropriate public information activities in support of the United Nations activities in Somalia;

(g) Creation of conditions under which Somali civil society may have a role, at every level, in the process of political reconciliation and in the formulation and realization of rehabilitation and reconstruction programmes;

B

Acting under Chapter VII of the Charter of the United Nations,

5. *Decides* to expand the size of the force of the United Nations Operation in Somalia and its mandate in accordance with the recommendations contained in paragraphs 56 to 88 of the report of the Secretary-General of 3 March 1993 and the provisions of the present resolution;

6. *Authorizes* the mandate for the expanded Operation for an initial period through 31 October 1993, unless previously reviewed by the Security Council;

7. *Emphasizes* the crucial importance of disarmament and the urgent need to build on the efforts of the Unified Task Force in accordance with paragraphs 56 to 69 of the report of the Secretary-General of 3 March 1993;

8. *Demands* that all Somali parties, including movements and factions, comply fully with the commitments they have undertaken in the agreements they concluded at the informal preparatory meeting on Somali political reconciliation at Addis Ababa, and in particular with their agreement on implementing the cease-fire and on modalities of disarmament;

9. *Also demands* that all Somali parties, including movements and factions, take all measures to ensure the safety of the personnel of the United Nations and its agencies as well as the staff of the International Committee of the Red Cross, intergovernmental organizations and non-governmental organizations engaged in providing humanitarian and other assistance to the people of Somalia in rehabilitating their political institutions and economy and promoting political settlement and national reconciliation;

10. *Requests* the Secretary-General to support from within Somalia the implementation of the arms embargo established by resolution 733 (1992), utilizing as available and appropriate the forces of the expanded Operation authorized by the present resolution, and to report on this subject, with any recommendations regarding more effective measures if necessary, to the Security Council;

11. *Calls upon* all States, in particular neighbouring States, to cooperate in the implementation of the arms embargo established by resolution 733 (1992);

12. *Also requests* the Secretary-General to provide security, as appropriate, to assist in the repatriation of refugees and the assisted resettlement of displaced persons, utilizing Operation forces, paying particular attention to those areas where major instability continues to threaten peace and security in the region;

13. *Reiterates its demand* that all Somali parties, including movements and factions, immediately cease and desist from all breaches of international humanitarian law, and reaffirms that those responsible for such acts be held individually accountable;

14. *Further requests* the Secretary-General, through his Special Representative, to direct the Force Commander of the Operation to assume responsibility for the consolidation, expansion and maintenance of a secure environment throughout Somalia, taking account of the particular circumstances in each locality, on an expedited basis in accordance with the recommendations contained in his report of 3 March 1993, and in this regard to organize a prompt, smooth and phased transition from the Unified Task Force to the expanded Operation;

C

15. *Requests* the Secretary-General to maintain the fund established pursuant to resolution 794 (1992) for the additional purpose of receiving contributions for the maintenance of forces of the expanded Operation following the departure of the forces of the Unified Task Force and for the establishment of Somalia police, and calls upon Member States to make contributions to this fund, in addition to their assessed contributions;

16. *Expresses appreciation* to the United Nations agencies, intergovernmental and non-governmental organizations and the International Committee of the Red Cross for their contributions and assistance and requests the Secretary-General to ask them to continue to extend financial, material and technical support to the Somali people in all regions of the country;

17. *Also requests* the Secretary-General to seek, as appropriate, pledges and contributions from States and others to assist in financing the rehabilitation of the political institutions and economy of Somalia;

18. *Further requests* the Secretary-General to keep the Security Council fully informed on action taken to implement the present resolution, in particular to submit to the Council as soon as possible a report containing recommendations for the establishment of Somali police forces and thereafter to report no later than every ninety days on the progress achieved in accomplishing the objectives set out in the present resolution;

19. *Decides* to conduct a formal review of the progress towards accomplishing the purposes of the present resolution no later than 31 October 1993;

20. *Decides* to remain actively seized of the matter.

Speaking after the vote, the representative of China stated that his country was in favour of the United Nations taking strong, exceptional measures in Somalia, in accordance with the Secretary-General's recommendations and at the request of most of the African countries, so as

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to establish a secure environment for humanitarian assistance, and to create conditions for the final settlement of the Somali question. Authorizing UNOSOM II to take enforcement action under Chapter VII of the Charter, in order to implement its mandate, had made it the first operation of its kind in the history of United Nations peace-keeping. He cautioned, however, that it was his delegation's understanding that such an authorization was based on the needs of the unique situation in Somalia and that it should not constitute a precedent for United Nations peace-keeping operations. He further cautioned that UNOSOM II should act prudently in carrying out such enforcement action and suggested that once the situation in Somalia had improved, it should promptly resume its normal peace-keeping operations.⁸

Noting that satisfactory security conditions had not yet been restored, the representative of France stressed that it was essential that UNOSOM II have the necessary mandate and resources to carry out its mission and to take the necessary steps to improve security. That presupposed that the factions were disarmed in a resolute manner and that the Task Force was deployed throughout Somalia. The French Government was happy that the resolution just adopted was along the lines of those concerns, and in particular, that a substantial part of the resolution, in accordance with the Secretary-General's recommendations, fell under Chapter VII of the Charter. In adopting the resolution, the United Nations was undertaking an operation that was unprecedented both in its scope and in terms of the situation in which it was intervening, namely the absence of governmental authority and institutions in Somalia.⁹

The representative of the Russian Federation stated that his delegation had voted for the resolution just adopted on the basis that the mandate of UNOSOM II focused on ensuring safe conditions for the supply of emergency humanitarian assistance, *inter alia*, by disarming the Somali armed formations. The Russian Federation also attached great importance to

⁸ *Ibid.*, pp. 21-22.

⁹ *Ibid.*, pp.22-24.

strengthening the embargo established by the Security Council on arms supplies to Somalia and considered it important that all States strictly carry out that decision of the Council.¹⁰

The President, speaking in his capacity as the representative of New Zealand, pointed out that the first priority was to complete the process of disarming started by UNITAF and contended that progress towards political reconciliation and economic recovery in Somalia depended upon the creation of sustainable peace and security. His delegation therefore supported the particular emphasis in the resolution on disarming, and believed it was important to define the new parties that were to be disarmed.¹¹

Decision of 6 June 1993 (3229th meeting): resolution 837 (1993)

By a letter¹² dated 5 June 1993 addressed to the President of the Security Council, the representative of Pakistan requested an urgent meeting of the Council to discuss developments in Somalia, where a Pakistani contingent of UNOSOM II had been attacked, resulting in the deaths of at least 18 Pakistani peace-keepers. By another letter¹³ of the same date, the representative of Italy joined Pakistan in requesting an immediate meeting of the Council.

At its 3229th meeting, on 6 June 1993, the Security Council included both letters in its agenda. Following the adoption of the agenda, the President (Spain) drew the attention of the Council members to the text of a draft resolution¹⁴ that had been prepared in the course of the Council's prior consultations.

¹⁰ *Ibid.*, pp. 39-40.

¹¹ *Ibid.*, pp. 41-42.

¹² S/25888.

¹³ S/25887.

¹⁴ S/25889.

Before the vote, the representative of Pakistan stated that Pakistan would vote in favour of the draft resolution because it had been associated with the peace-keeping efforts of the United Nations since its inception, and it regarded peace-keeping as a manifestation of its commitment to the concept of collective security and to the Charter of the United Nations. He noted that the recent casualties were by far the highest ever sustained in any single incident in the history of United Nations peace-keeping operations and warned that “mere admonition or condemnation” was not enough. It was imperative that the Council act in a manner that would swiftly bring to justice the perpetrators of that “murderous defiance” of the Council’s authority.¹⁵

The representative of the United States contended that the actions against UNOSOM II threatened international peace and security and had to be dealt with accordingly. She further stated that factional violence was impermissible under the terms of resolution 814 (1993) and that hostilities aimed at United Nations forces were a gross violation of paragraph 9 of that resolution. The United States supported the draft resolution as the minimum required to restore the conditions for peace and reconciliation in Somalia. The draft reaffirmed the authority of UNOSOM II to take strong and forceful action to safeguard international forces, to punish those who attacked them and to restore security. She warned that those who would challenge the authority of the Council to enforce its resolutions “must know that we stand firm in our resolve to bring peace and reconciliation to Somalia and that they will pay a heavy price for ignoring the Council”.¹⁶

The representative of Cape Verde stated that the time had come for the Council to consider the mechanisms and measures to be implemented to halt and reverse the negative trend that seemed to have been set by attacks launched against United Nations forces in many conflict areas, and he urged that, whether in Somalia, in Cambodia or in Bosnia, attacks against United

¹⁵ S/PV.3229, pp. 6-7.

¹⁶ *Ibid.*, pp. 7-8.

Nations forces should be sternly condemned, and prompt and effective measures should be taken to try and punish their authors.¹⁷

The representative of Djibouti observed that the situation in Somalia called for a careful and determined approach to disarm all factions and movements, to collect all weapons, and to inculcate a sense of security. He noted that UNOSOM II had both the capacity and the authority to enforce peace in Somalia, and stated that it should therefore be tough and punish anyone who violated “civilized behaviour” and who “unduly” incited others to commit acts of intransigence and violence. He further stated that his delegation regarded the draft resolution as an appropriate response to the incident.¹⁸

The draft resolution was then put to the vote and was adopted unanimously as resolution 837 (1993). The resolution reads as follows:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, and 814 (1993) of 26 March 1993,

Bearing in mind General Assembly resolution 47/167 of 18 December 1992,

Gravely alarmed at the premeditated armed attacks launched by forces apparently belonging to the United Somali Congress/Somali National Alliance against the personnel of the United Nations Operation in Somalia II on 5 June 1993,

Strongly condemning such actions, which directly undermine international efforts aimed at the restoration of peace and normalcy in Somalia,

Expressing outrage at the loss of life as a result of these criminal attacks,

Reaffirming its commitment to assist the people of Somalia in re-establishing conditions of normal life,

¹⁷ *Ibid.*, pp.8-10.

¹⁸ *Ibid.*, pp. 11-12.

Stressing that the international community is involved in Somalia in order to help the people of Somalia who have suffered untold miseries due to years of civil strife in that country,

Acknowledging the fundamental importance of completing the comprehensive and effective programme for disarming all Somali parties, including movements and factions,

Convinced that the restoration of law and order throughout Somalia would contribute to humanitarian relief operations, reconciliation and political settlement, as well as to the rehabilitation of Somalia's political institutions and economy,

Condemning strongly the use of radio broadcasts, in particular by the United Somali Congress/Somali National Alliance, to incite attacks against United Nations personnel,

Recalling the statement made by the President of the Security Council on 31 March 1993 concerning the safety of United Nations forces and personnel deployed in conditions of strife, and committed to consider promptly measures appropriate to the particular circumstances to ensure that persons responsible for attacks and other acts of violence against the United Nations forces and personnel are held to account for their actions,

Noting the information provided to the Council by the Secretary-General on 6 June 1993,

Determining that the situation in Somalia continues to threaten peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Strongly condemns* the unprovoked and armed attacks against the personnel of the United Nations Operation in Somalia II on 5 June 1993, which appear to have been part of a calculated and premeditated series of cease-fire violations to prevent by intimidation the Operation from carrying out its mandate as provided for in resolution 814 (1993);

2. *Expresses its condolences* to the Government and people of Pakistan and the families of the Operation personnel who have lost their lives;

3. *Re-emphasizes* the crucial importance of the early implementation of the disarmament of all Somali parties, including movements and factions, in accordance with paragraphs 56 to 69 of the report of the Secretary-General of 3 March 1993, and of neutralizing radio broadcasting systems that contribute to the violence and attacks directed against the Operation;

4. *Demands once again* that all Somalia parties, including movements and factions, comply fully with the commitments they have undertaken in the agreements they concluded at the informal preparatory meeting on Somali political reconciliation at Addis Ababa, and in particular with their agreement on implementing the cease-fire and on modalities of disarmament;

5. *Reaffirms* that the Secretary-General is authorized under resolution 814 (1993) to take all measures necessary against all those responsible for the armed attacks referred to in paragraph 1 above, including against those responsible for publicly inciting such attacks, to establish the effective authority of the Operation throughout Somalia, including to secure the investigation of their actions and their arrest and detention for prosecution, trial and punishment;

6. *Requests* the Secretary-General urgently to inquire into the incident, with particular emphasis on the role of those factional leaders involved;

7. *Encourages* the rapid and accelerated deployment of all Operation contingents to meet the full requirements of 28,000 men, all ranks, as well as equipment, as indicated in the report of the Secretary-General of 3 March 1993;

8. *Urges* Member States to contribute, on an emergency basis, military support and transportation, including armoured personnel carriers, tanks and attack helicopters, in order to provide the Operation the capability appropriately to confront and deter armed attacks directed against it in the accomplishment of its mandate;

9. *Also requests* the Secretary-General to submit a report to the Council on the implementation of the present resolution, if possible within seven days from the date of its adoption;

10. *Decides* to remain seized of the matter.

After the vote, the representative of China expressed his delegation's strong demand that the Secretary-General investigate the incident. He supported UNOSOM II taking practical and effective measures immediately to protect the lives and safety of its personnel. Meanwhile, his delegation demanded in the strongest terms that the various factions in Somalia comply strictly with the relevant Security Council resolutions and cease all hostilities and violent acts against United Nations peace-keeping personnel.¹⁹

The representative of Venezuela argued that the absence of any judicial machinery had permitted the United Somali Congress (USC) leader General Mohamed Farah Aidid to continue to act with "total impunity". He contended that, with confirmation of his responsibility for the

¹⁹ *Ibid.*, pp.14-15.

attacks against UNOSOM II, Aidid's impunity would end, because the Secretary-General, apart from ordering his arrest and detention, would be able to proceed to try him so that he may later be punished appropriately. He observed that the resolution just adopted made it clear that the international community would not allow such criminal acts to be committed with impunity. The resolution was a warning to those in Cambodia and in the former Yugoslavia, who thought that they would never have to answer for their crimes.²⁰

The representative of France stated that what had just taken place in Somalia was unacceptable and required from the Council the strongest possible reaction. He contended that the resolution was fully in accord with that objective. He further contended that UNOSOM II was, in effect, entrusted with adopting all necessary measures against those responsible and also with neutralizing their media, whose propaganda he described as having played a decisive role in the tragedy that took place on 5 June 1993.²¹

The representative of the United Kingdom stated that the resolution sent a clear signal that the international community would not tolerate renewed attempts by the warlords in Somalia to challenge UNOSOM II in the exercise of its mandate. He observed that the resolution provided for the use of all necessary measures against those responsible, whether directly or indirectly, for the attacks, and that it looked to their arrest and detention for prosecution, trial and punishment. He further stated that the warlords of the USC, and their head General Aidid, had to understand that the United Nations would not be diverted from its purpose in Somalia, any more than in the other theatres in which United Nations peace-keeping forces were committed.²²

The representative of the Russian Federation stated that his delegation believed it necessary for the Security Council to give special consideration to the question of defending

²⁰ *Ibid.*, pp. 16-17.

²¹ *Ibid.*, pp. 18-20.

²² S/26375.

United Nations peace-keeping personnel from premeditated attacks, whether in Somalia, Bosnia and Herzegovina, Cambodia, or other parts of the world. He indicated the Russian delegation's intention to would shortly present to the Council concrete proposals about such crimes against the international community.²³

Decision of 27 August 1993: letter from the President to the Secretary-General

In a letter dated 27 August 1993²², the President, referring to the Secretary-General's report of 17 August 1993 submitted in pursuance of resolution 814 (1993) of 26 March 1993, concerning the action taken to implement that resolution, in particular recommendations for the establishment of Somali police forces, and on the progress achieved in accomplishing the objectives set out in the resolution, informed the Secretary-General that the members of the Council had taken note of his report and that they intended to study it as a basis for a possible course of action in the near future.

Decision of 22 September 1993 (3280th meeting): resolution 865 (1993)

On 17 August 1993, pursuant to resolution 814 (1993) of 26 March 1993, the Secretary-General submitted to the Council a further report²⁴ on the situation in Somalia. The report covered the activities of UNOSOM up to 31 July 1993 and provided a brief account of the progress made towards the re-establishment of the Somali police force, judicial and penal systems.

The Secretary-General noted that, despite the deliberate attempts of the leaders of a few Somali factions to obstruct UNOSOM from performing the tasks assigned by the Security Council, the overall situation in Somalia had undergone a major transformation. Following the

²³ *Ibid.*, p. 22.

²⁴ S/26317.

establishment of UNOSOM II, conditions in most parts of the country had stabilized, humanitarian assistance was reaching its destinations, people were going about their normal routines, and schools were reopening. Land was being tilled, crops planted, and livestock exported. Local councils of clan elders were meeting and cooperating with the United Nations efforts to help Somalia to re-establish normal conditions. He further noted that the situation in Somalia contrasted starkly with that at the beginning of 1993, when the Somali people had been suffering from the effects of a brutal civil war that had claimed hundreds of thousands of innocent Somali lives.

The Secretary-General observed that a major task that had fallen to UNOSOM, after it took over responsibility from UNITAF, was the disarmament of the armed groups who had terrorized the people and made extortion from humanitarian assistance agencies the source of their considerable income. He noted that there was strong support for the United Nations role in Somalia from the Organization of African Unity (OAU), the League of Arab States (LAS) and the Organization of the Islamic Conference (OIC), in particular for the need to take appropriate measures to ensure the implementation of the disarmament provisions of the Addis Ababa Agreement. The priority that UNOSOM had given to disarmament had attracted the hostility of a few clan leaders. The ambushing of UNOSOM personnel by such elements, on 5 June 1993 and on subsequent occasions, had left UNOSOM no choice but to take forceful action to effect the disarming required under the Addis Ababa Agreement. The Secretary-General stated that he was conscious of the feeling in some quarters that UNOSOM was deviating from its primary task of ensuring the safe distribution of humanitarian assistance, rehabilitation and reconstruction of Somalia, and was concentrating disproportionate efforts and resources in military operations. He contended, however, that unless disarmament was fully implemented, it would not be reasonable to expect UNOSOM to fulfil the other aspects of its mandate. The country would not enjoy complete stability unless and until the criminal elements had been apprehended and brought to justice, as demanded by the Security Council in resolution 837 (1993).

The Secretary-General also observed that a high priority for UNOSOM was its assistance to the political reconciliation process. District councils had been formed, and efforts would continue in order to form the regional councils and the Transitional National Council as quickly as possible. UNOSOM had also sponsored the reconciliation meetings of clan elders in various regions in Somalia, where the effects were apparent in the restoration of stable and secure conditions, in stark contrast with the suffering from inter-clan conflict. He expressed the hope that those successes would encourage peaceful reconciliation in other parts of the country.

The Secretary-General stated that the restoration of security and stability to Somalia required the re-establishment of the Somali police force, the judicial system and the penal system, in order to enable Somalis quickly to assume full responsibility for law and order in their country. He recalled, in that regard, that the Conference on National Reconciliation in Somalia held at Addis Ababa in March 1993 had agreed, *inter alia*, on the “need to establish an impartial national and regional Somali police force in all regions of the country on an urgent basis through the reinstatement of the former Somali Police Force and recruitment and training of young Somalis from all regions”, and requested “the assistance of the international community” in that regard. The Addis Ababa Agreement also provided for the Transitional National Council to establish an “independent judiciary”. Following an assessment of the security situation, the Secretary-General introduced a proposed strategy regarding the re-establishment of the police, judicial and penal systems in Somalia. The strategy envisaged the creation of a neutral three-tier (national, regional and district) police force of 10,000 by December 1994, an interim three-tier judicial system by 31 October 1993, renovation and re-establishment of prison facilities and the establishment of an Office of Human Rights to investigate and facilitate prosecution of serious violation of international humanitarian law. It was therefore imperative and urgent that donor Governments make resources available, in the form of funds, training assistance and efficacious transitory arrangements.

At its 3280th meeting, on 22 September 1993, the Security Council included in its agenda the report of the Secretary-General of 17 August 1993. Following the adoption of the agenda, the *Repertoire* 12th Supplement 1993-1995: Chapter VIII

Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. At the same meeting the President (Venezuela) drew the attention of the Council members to the text of a draft resolution²⁵ that had been prepared in the course of the Council's prior consultations, and read out a revision to be made to the draft resolution in its provisional form. He also drew the attention of the Council members to two other documents.²⁶

Before the vote, the representative of Djibouti expressed regret that the events transpiring in Mogadishu had captured the headlines and thereby distorted the impressive nature of Somalia's steady return to normalcy. He noted that implementation of the comprehensive peace accords signed in Addis Ababa was steadily under way and that a transitional national council was intended to serve as the prime political authority during the two-year transition period, supported by a structure of regional and district councils. He warned that the Secretary-General's rehabilitation programme would not have lasting significance unless the threat of violence was removed. He supported the reference in the draft resolution to the Secretary-General's intention to convene, as early as possible, a meeting of Member States interested in supporting UNOSOM II in the re-establishment of Somalia's police, judicial and penal system. It would be helpful to all concerned to receive from the Secretary-General a detailed plan covering the future strategy of UNOSOM II.

The draft resolution, as orally revised in its provisional form, was then put to the vote and was adopted unanimously as resolution 865 (1993). The resolution reads as follows:

The Security Council,

²⁵ S/26476.

²⁶ S/26412, letter dated 7 September 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Somalia addressed to the President of the Security Council; S/26481, letter dated 20 September 1993 from the Permanent Representative of Eritrea addressed to the President of the Security Council.

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, 814 (1993) of 26 March 1993, and 837 (1993) of 6 June 1993,

Having considered the report of the Secretary-General of 17 August 1993,

Stressing the importance of continuing the peace process initiated by the Addis Ababa Agreement of 27 March 1993, and in this connection welcoming the efforts of African countries, the Organization of African Unity, in particular its Horn of Africa Standing Committee, the League of Arab States and the Organization of the Islamic Conference, in cooperation with and in support of the United Nations, to promote national reconciliation in Somalia,

Also stressing the commitment of the international community to help Somalia regain a normal, peaceful life, while recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

Expressing its appreciation for the improvements in the overall situation, which have been achieved by the United Nations Operation in Somalia II, in particular the eradication of starvation, the establishment of a large number of district councils, the opening of schools and the resumption by the Somali people in most areas of the country of their normal lives,

Recognizing the continuing need for broad-based consultations and consensus on basic principles to achieve national reconciliation and the establishment of democratic institutions,

Calling upon all Somali parties, including movements and factions, to show the political will to achieve reconciliation, peace and security,

Also recognizing that the highest priority for the Operation is to assist the people of Somalia in the furtherance of the national reconciliation process and to promote and advance the re-establishment of regional and national institutions and civil administration in the entire country, as set out in resolution 814 (1993),

Noting with great concern, despite the improvements in the overall situation in Somalia, continuing reports of violence in Mogadishu and the absence of law enforcement and judicial authorities and institutions in the country as a whole, and recalling the request to the Secretary-General in resolution 814 (1993) to assist in the re-establishment of the Somali police and the restoration and maintenance of peace, stability and law and order,

Convinced that the re-establishment of the Somali police and the judicial and penal systems is critical for the restoration of security and stability in the country,

Gravely concerned at the continuation of armed attacks against Operation personnel, and recalling resolution 814 (1993), in which it emphasized the fundamental importance of a comprehensive and effective programme for disarming Somali parties, including movements and factions,

A

1. *Welcomes* the reports by the Secretary-General and his Special Representative on the progress achieved in accomplishing the objectives set out in resolution 814 (1993);
2. *Commends* the Secretary-General, his Special Representative and all personnel of the United Nations Operation in Somalia II for their achievements in greatly improving the conditions of the Somali people and beginning the process of nation-building apparent in the restoration in much of the country of stable and secure conditions, in stark contrast with the prior suffering caused by inter-clan conflict;
3. *Condemns* all attacks on Operation personnel and reaffirms that those who have committed or have ordered the commission of such criminal acts will be held individually responsible for them;
4. *Affirms* the importance it attaches to the successful fulfilment on an urgent and accelerated basis of the Operation's objectives of facilitation of humanitarian assistance and the restoration of law and order, and of national reconciliation in a free, democratic and sovereign Somalia, so that it can complete its mission by March 1995;
5. *Requests*, in that context, the Secretary-General to direct the urgent preparation of a detailed plan with concrete steps setting out the Operation's future concerted strategy with regard to its humanitarian, political and security activities and to report thereon to the Council as soon as possible;
6. *Urges* the Secretary-General to re-double his efforts at the local, regional and national levels, including encouraging broad participation by all sectors of Somali society, to continue the process of national reconciliation and political settlement, and to assist the people of Somalia in rehabilitating their political institutions and economy;
7. *Calls on* all Member States to assist, in all ways possible, including the urgent full staffing of the Operation's civil positions, the Secretary-General, in conjunction with regional organizations, in his efforts to reconcile the parties and rebuild Somali political institutions;

8. *Invites* the Secretary-General to consult the countries of the region and regional organizations concerned on means of further reinvigorating the reconciliation process;

B

9. *Approves* the recommendations of the Secretary-General contained in annex I to his report of 17 August 1993 relating to the re-establishment of the Somali police, judicial and penal systems in accordance with resolution 814 (1993), and requests the Secretary-General to take the necessary steps on an urgent and accelerated basis to implement them;

10. *Welcomes* the Secretary-General's intention to convene at the earliest possible date a meeting of Member States interested in supporting the United Nations Operation in Somalia II in the re-establishment of the police, judicial and penal systems, for the purpose of determining specific requirements and identifying specific sources of support;

11. *Requests* the Secretary-General to undertake actively and as a matter of great urgency an international recruiting programme for staffing the Operation's Justice Division with police, judicial and penal system specialists;

12. *Also welcomes* the Secretary-General's intention to maintain and utilize the fund established pursuant to resolution 794 (1992), and maintained in resolution 814 (1993), for the additional purpose of receiving contributions for the re-establishment of the Somali judicial and penal systems in addition to the establishment of the Somali police, other than for the cost of international staff;

13. *Urges* Member States, on an urgent basis, to contribute to that fund or otherwise to provide assistance for the re-establishment of the Somali police, judicial and penal systems, including personnel, financial support, equipment and training to help attain the objectives outlined in annex I to the report of the Secretary-General;

14. *Encourages* the Secretary-General to take the necessary steps to ensure continuation of the current police, judicial and penal programme from October to the end of December 1993 until additional funding from Member States is forthcoming, and to make recommendations as appropriate to the General Assembly;

15. *Requests* the Secretary-General to keep the Council fully informed on a regular basis on the implementation of the present resolution;

16. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stressed that Somalia would not return to the path of peace and democracy as long as in certain parts of the country heavily armed factions continued their reign of terror and persisted in attacking United Nations soldiers who had come to that country to carry out a mission of peace. It was also fitting to recall that the long-term objective of the United Nations in Somalia was a fundamentally political and humanitarian one: the United Nations had intervened to re-establish peace and democracy in Somalia and to assist in its reconstruction. The time had come to relaunch the process of national reconstruction and to take the initiative in bringing all Somalis together around a political plan.

The representative of United Kingdom contended that the re-establishment of the police and the judiciary and a proper penal system clearly had a crucial role to play if the Council was to be able to hand over the running of Somalia to the Somali people and their representatives. He stated that the plans were good, but that they needed further refinement if that goal was to be achieved on a basis that would be sustainable even without the presence of the United Nations, and that therefore the fullest possible involvement of Somalis at all levels – in the police, in the judiciary and in the penal system had to be a high priority.²⁷

The representative of the United States stated that the resolution just adopted did two crucial things. First, it set out in clear, unambiguous terms that the principal goal of the United Nations in Somalia was to bring about political reconciliation. His Government had always seen the United Nations Mission in Somalia as political in nature. Second, it lent support to the basic building-blocks of new political institutions: a police, judiciary and penal system. The resolution provided clear direction for the political process and reinforcement of the Somali institutions that could best protect and foster that process.²⁸

²⁷ *Ibid.*, pp. 16-17.

²⁸ *Ibid.*, p. 22.

The representative of the Russian Federation stated that, as indicated in the resolution just adopted, the highest priority of UNOSOM II was to support the Somali people in carrying out the process of national reconciliation, and to advance and accelerate the restoration of regional and national institutions and civilian administration throughout the country. The Russian Federation considered important the appeal contained in resolution 865 (1993) to all Member States to join with regional organizations in rendering assistance to the Secretary-General in his efforts to reconcile the parties and re-establish political institutions in Somalia. It also believed that the appeal in paragraph 14 of that resolution to the Secretary-General to undertake the necessary steps to ensure continuation of the programme for the establishment of the police, judicial and penal system did not mean that those steps would be carried out through the budget for United Nations operations in Somalia. Expenditures for those specific objectives could not be covered by the budget of the organization.²⁹

Decision of 1 October 1993: letter from the President to the Secretary-General

By a letter³⁰ dated 1 October 1993 addressed to the President of the Council, the Secretary-General informed the Council that the Acting Zone Director of UNOSOM II for north-west Somalia had been told by Mr. Mohamed Ibrahim Egal, the “President” of “Somaliland”, to withdraw all United Nations personnel from the area. The Acting Zone Director had advised UNOSOM that he expected the security situation for United Nations personnel in the north-west to deteriorate if Mr Egal did not receive a reply to his communication. In view of the security concerns, and given the fact that the mandate of UNOSOM II was under Chapter VII of the Charter, the Secretary-General sought the guidance of the Council as to how to proceed on the matter.

²⁹ *Ibid.*, pp. 26-27.

³⁰ S/26526.

By a letter³¹ also dated 1 October 1993, the President informed the Secretary-General as follows:

“The members of the Security Council had been apprised of the contents of your letter dated 1 October 1993 regarding the presence of UNOSOM II in north west Somalia (‘Somaliland’).

“The members of the Council express the hope that UNOSOM II would be able in due course to continue its work under its mandate in north-west Somalia (‘Somaliland’) using all peaceful means for the benefit of the population there.

“The members of the Council are confident that you will take the necessary precautions for the safety and protection of all United Nations personnel deployed in north-west Somalia (‘Somaliland’)”.

Decision of 29 October 1993 (3299th meeting): resolution 878 (1993)

By a letter³² dated 28 October addressed to the President of the Security Council the Secretary-General, referring to resolution 814 (1993) of 26 March 1993, requested that the Council extend the mandate of UNOSOM II until 18 November 1993 in order to allow time for the preparation of his report on talks with high officials in the region. Those talks had been undertaken in the context of resolution 865 (1993) of 22 September 1993 by which the Council had requested him to direct the urgent preparation of a detailed plan setting out UNOSOM II’s future strategy.

At its 3299th meeting, on 29 October 1993, the Security Council included in its agenda the letter from the Secretary-General addressed to the President of the Security Council dated 28 October 1993. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft resolution³³ that had been prepared in the course of the

³¹ S/26527.

³² S/26663.

³³ S/26660.

Council's prior consultations. The draft resolution was then put to the vote and was adopted unanimously as resolution 878 (1993). The resolution reads as follows:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, 814 (1993) of 26 March 1993, 837 (1993) of 6 June 1993 and 865 (1993) of 22 September 1993,

Having considered the letter dated 28 October 1993 from the Secretary-General to the President of the Security Council,

Stressing the need for all the parties in Somalia to exercise maximum restraint and to work towards national reconciliation,

Expressing once again its commitment to a future concerted strategy in Somalia for the United Nations Operation in Somalia II and, in that context, to the undertaking of an in-depth consideration of its humanitarian, political and security activities on the basis of the concrete suggestions to be submitted by the Secretary-General as requested in resolution 865 (1993),

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for an interim period terminating on 18 November 1993;
2. *Requests* the Secretary-General, in his report to the Council concerning the further extension of the Operation's mandate, which should be submitted in good time before 18 November 1993, to report also on recent developments in Somalia in order to enable the Council to take appropriate decisions;
3. *Decides* to remain actively seized of the matter.

Decision of 16 November 1993 (3315th meeting): resolution 885 (1993)

On 1 July 1993, pursuant to resolution 837 (1993) of 6 June 1993, the Secretary-General submitted to the Council a report³⁴ in which he gave an account of the events leading up to the ambush of UNOSOM II troops in Mogadishu on 5 June 1993 and described the action taken by UNOSOM II on the implementation of resolution 837 (1993). The Secretary-General stated that the unfolding of events in Mogadishu since 5 June 1993 had to be seen against the background of the conditions that UNOSOM was designed to remedy. He recalled that it was the chaos, civil war, immense suffering and famine afflicting the Somali people that had brought the international community and the United Nations to Somalia. He also recalled that the primary objectives of the mandate entrusted to UNOSOM II were to put an end to the plight of the Somali people, to set them firmly on the path to economic rehabilitation and political reconciliation, and to promote the rebuilding of Somali society and political institutions. He observed that those objectives required the restoration of peaceful conditions throughout Somalia and the effective implementation of the process of disarmament.

The Secretary-General further stated that he considered that the actions of UNOSOM II had been successful in making it possible to return to the pursuit of the main objectives of the United Nations in Somalia. He contended that UNOSOM II military enforcement actions had largely neutralized the heavy weapons and the command and control facilities of the factions responsible for the large-scale violations of the cease-fire in Mogadishu, and he stated that those actions had made it clear that deliberate attempts to disrupt United Nations and NGO humanitarian relief supplies could not be tolerated. He observed that various elements of Somali society had shown an interest in restraint, reconciliation and voluntary disarmament, and suggested that, by demonstrating that it was willing to pay, and exact, the cost of peacemaking, the United Nations might well have saved many more lives and accelerated the disarmament, reconciliation and rehabilitation process.

³⁴ S/26022.

He expressed the hope that, following the military operations conducted between 12 and 18 June 1993, UNOSOM II would be able to revert to the peaceful disarmament of all factions and militias throughout the country. He pointed out that it had never been the intention of UNOSOM II to oppose any of the factions, as long as they refrained from violations of the cease-fire, acted with due regard to their own commitments to the Addis Ababa agreements and cooperated in the implementation of the mandate entrusted by the Security Council to that humanitarian operation. In fact, UNOSOM II intended to continue to work with all the factions, in an effort to foster conditions for the implementation of the United Nations mandate.

He also stated that the attacks against United Nations peace-keepers had been tragic and disturbing, but that they would not divert the United Nations from its commitment to Somalia. He contended that those attacks had only proven that, in the unique situation prevailing in that country, there were elements that continued to believe that their interests were best served by perpetuating chaos, destruction and death.

In conclusion, the Secretary-General urged all Somali factions to join UNOSOM II in its mission of peace, disarmament and reconciliation, as defined by the Security Council and agreed upon by the faction leaders at Addis Ababa, and he expressed his determination to pursue all necessary efforts to implement Security Council resolutions 814 (1993) and 837 (1993).

On 24 August 1993, pursuant to resolution 837 (1993) of 6 June 1993, the Secretary-General submitted to the Council a report³⁵ on the investigation into the 5 June 1993 attack on United Nations forces in Somalia. The Secretary-General attached as an annex to the report the executive summary of the report of an independent expert, who had been engaged to carry out the investigation. In his conclusions, the expert stated that there was “clear and convincing evidence” supporting the claim that General Mohamed Farah Aidid had authorized the 5 June 1993 attack on Pakistani forces serving under the United Nations flag, and that the attack had

³⁵ S/26351.

been executed by elements of the political faction known as the Somali National Alliance (SNA). He further stated that the attack had violated multiple provisions of the 1962 Somali Penal Code, which had never been repealed, and constituted a violation of international law, thus rendering General Aidid and his senior colleagues liable to prosecution before an international tribunal or the criminal courts of any State. The central principle of international humanitarian law - the obligation to respect the distinction between combatants and non-combatants – had been violated and criminal responsibility was thereby incurred when individuals or organizations had used civilians as shields for military operations or had otherwise demonstrated a wanton indifference to the protection of non-combatants. He also stated that there was sufficient evidence to make out a *prima facie* case that the 13 June 1993 attack, on the Pakistani strong point at the Kilometer Four roundabout in south Mogadishu, had been consciously designed by persons associated with the SNA to cause the wounding or killing of non-combatants.

At its 3315th meeting, on 16 November 1993, the Security Council included in its agenda the reports of the Secretary-General of 1 July and 24 August 1993. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (Cape Verde) then drew the attention of the Council members to the text of a draft resolution³⁶ submitted by the United States, and read out revisions to be made to the draft resolution in its provisional form.

He also drew the attention of the Council members to a letter dated 25 October 1993 from the Permanent Representative of Ethiopia addressed to the President of the Security Council, transmitting a letter dated 24 October from the President of the Transitional Government of Ethiopia. The President of Ethiopia informed the President of the Council that he was writing pursuant to the mandate given to him by the heads of State and Government of the OAU and the leaders of Member States of the Intergovernmental Authority for Drought and Development (IGADD), to follow developments in Somalia. He attached as an appendix four proposals that

³⁶ S/26750.

could be incorporated by the Council in its decisions addressing the situation in Somalia. The first proposal related to the establishment of an independent commission or a fact-finding mission charged with the task of investigating the events leading up to, and surrounding, the incident of 5 June 1993 in Mogadishu, and with submitting its report and recommendations to the Council. His second proposal was that the Council should reaffirm the responsibility of Somalis to solve their own problems. His third concerned the Council endorsing more explicitly the Addis Ababa Agreement. His fourth was that the Council should explicitly direct UNOSOM II to carry out its mandate in partnership with the OAU and the countries of the subregion, especially with regard to seeking and implementing a political solution to Somalia's problems.

The draft resolution, as orally revised in its provisional form, was then put to the vote and was adopted unanimously as resolution 885 (1993). The resolution reads as follows:

The Security Council,

Reaffirming its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, 814 (1993) of 26 March 1993, 837 (1993) of 6 June 1993, 865 (1993) of 22 September 1993, and 878 (1993) of 29 October 1993,

Also reaffirming its resolution 868 (1993) of 29 September 1993 on the need to ensure the safety and protection of United Nations personnel,

Recognizing the critical need for broad-based consultations among all parties and consensus on basic principles to achieve national reconciliation and the establishment of democratic institutions in Somalia,

Stressing that the people of Somalia bear the ultimate responsibility for achieving these objectives, and in this context noting in particular resolution 837 (1993), in which it condemned the 5 June 1993 attack on personnel of the United Nations Operation in Somalia II and called for an investigation,

Noting proposals made by Member States, and noting in particular proposals from the Organization of African Unity, including those in document S/26627 of 25 October 1993, in which

the establishment of an impartial commission of inquiry is recommended to investigate armed attacks on the Operation,

Having received and considered the reports of the Secretary-General of 1 July and 24 August 1993, on the implementation of resolution 837 (1993),

1. *Authorizes* the establishment of a Commission of Inquiry, in further implementation of resolutions 814 (1993) and 837 (1993), to investigate armed attacks on personnel of the United Nations Operation in Somalia II which led to casualties among them;

2. *Requests* the Secretary-General, having conveyed his views to the Security Council, to appoint the Commission at the earliest possible time and to report to the Council on its establishment;

3. *Directs* the Commission to determine procedures for carrying out its investigation, taking into account standard United Nations procedures;

4. *Notes* that members of the Commission will have the status of experts on mission within the meaning of the Convention on the Privileges and Immunities of the United Nations, which shall apply to the Commission;

5. *Urges* the Secretary-General to provide the Commission with all assistance necessary to facilitate its work;

6. *Calls on* all parties in Somalia fully to cooperate with the Commission;

7. *Requests* the Commission to report its findings through the Secretary-General to the Security Council as soon as possible, taking into consideration the need for a thorough inquiry;

8. *Requests* that the Secretary-General, under his authority in resolutions 814 (1993) and 837 (1993), pending completion of the report of the Commission, suspend arrest actions against those individuals who might be implicated but are not currently detained pursuant to resolution 837 (1993), and make appropriate provision to deal with the situation of those already detained under the provisions of resolution 837 (1993);

9. *Decides* to remain seized of this matter.

After the vote, the representative of the United States stated that her delegation believed that the Commission of Inquiry was vitally important to advancing the peace process in Somalia - which had been disappointingly slow. She contended that the primary goal in Somalia was to foster a political dialogue that could lead to national reconciliation, and expressed the hope that

the resolution just adopted would allow all the key players in Somalia to join together in the crucial task of national reconciliation.³⁷

The representative of Pakistan stated that his delegation had voted in favour of the resolution just adopted because it felt it would advance two essential objectives. The first was the political process in Somalia, which was essential for a lasting peace in Somalia, the responsibility for which was rightly attributed to the people of Somalia themselves. The second related to the necessity of sending a clear message of support to ONUSOM II.³⁸

The representative of New Zealand stated that his delegation did not accept the argument that the United Nations would have proceeded without allowing suspects the benefits of due process. It understood, however, that in the extraordinary circumstances of Southern Mogadishu it was a fact that fears in that regard had become an obstacle to the political dialogue. His delegation therefore accepted that there was political significance in the resolution, and value in indicating that arrest action would be suspended pending completion of the work of the Commission of Inquiry.³⁹

The representative of Brazil stated that it was particularly important that in adopting the resolution the Council had acted on suggestions coming from the region, notably the proposals submitted by the President of Ethiopia.⁴⁰

Decision of 18 November 1993 (3317th meeting): resolution 886 (1993)

³⁷ *Ibid.*, pp. 5-6.

³⁸ *Ibid.*, p. 6.

³⁹ *Ibid.*, pp. 6-8.

⁴⁰ *Ibid.*, pp.8-9.

On 12 November 1993, pursuant to resolution 814 (1993) of 26 March 1993 and resolution 865 (1993) of 22 September 1993, the Secretary-General submitted a report⁴¹ on the situation in Somalia and on the progress made towards the implementation of UNOSOM mandate.

The Secretary-General stated that for over a year the Security Council had responded, in a flexible and creative manner, to the highly complex and continually evolving situation in Somalia. He observed that the international community had had no precedent to guide it in dealing with the tragic situation in Somalia, and consequently, the response of the Council had had to be adjusted from time to time, to take into account different circumstances that it had not been possible to anticipate. That explained the evolution of the international presence in Somalia from UNOSOM I to UNITAF to UNOSOM II. He contended that the wider international community as well as the people of Somalia, by and large, had appreciated the constructive responses of the Security Council.

The Secretary-General further stated that the uniqueness of the situation in Somalia had changed in some important respects. The most dramatic and visible change was the enormous success in reducing starvation deaths and conditions of famine in the country, but there had also been other significant improvements in the fields of public health, education and agriculture. However, the situation, even in those areas, remained fragile and needed careful watching and continued assistance from the international community. There was still no effectively functioning government in the country, no disciplined national armed force, and no organized civilian police force or judiciary, although impressive progress had been achieved in initiating the recreation of the police and judiciary. He contended, therefore, that the problems of Somalia must continue to engage the attention of the international community.

⁴¹ S/26738.

The Secretary-General reiterated the importance of effective disarmament to achieve lasting peace and stability, and stressed that that could only be achieved with the cooperation of the Somali people and neighbouring countries. He recalled that the Somali parties had made a commitment, both in the cease-fire agreement and the Addis Ababa agreement, to complete simultaneous disarmament throughout the country and observed that voluntary disarmament had been successful during UNITAF and in the early weeks of UNOSOM II. He noted, however, that unless USC/SNA was effectively disarmed, the prospects for genuine peace and stability in the country would remain bleak. In that connection, he welcomed the unilateral declaration of a cessation of hostilities by USC/SNA with effect from 9 October 1993. In an effort to build on that, UNOSOM II had established a Mogadishu Security Advisory Committee, to which it had invited all the factions. The Secretary-General noted, however, that the initiative had not been very successful.

Having informed the Council of the intention of the United States to withdraw its forces from Somalia by 31 March 1994, after several other countries had already announced their decision to withdraw, the Secretary-General introduced three options relating to the mandate of UNOSOM II. In doing so, he stated that it was not his intention that the Council should pronounce on them at that time. Under the first option, the mandate of UNOSOM II would remain essentially unchanged and UNOSOM would be maintained at its then existing troop strength. Under the second option, the Security Council would decide that UNOSOM II would not use coercive methods but would, rather, rely on the cooperation of the Somali parties in order to discharge its mandate. UNOSOM II would thus use force only in self-defence, in accordance with traditional peace-keeping practices, and disarmament would be entirely voluntary. It would not be necessary to replace fully the contingent that would have withdrawn by 31 March 1994, nor to replace those that might withdraw soon thereafter. Under the third option, the mandate of UNOSOM II would be limited to keeping under its secure control the airport and port in Mogadishu, and important ports and airports in other parts of the country, so as to keep the supply routes open for humanitarian purposes. The Secretary-General noted that the main feature of that option was its emphasis on the regions as opposed to the importance, under the other two

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options, of bringing about a secure environment in Mogadishu. It would call for the deployment of about 5,000, all ranks. The Secretary-General also noted that theoretically there could be one more alternative, namely a complete withdrawal of UNOSOM II from Somalia, which he did not support.

Stating that the overwhelming majority of the Somali people wanted the United Nations to continue to support the process of reconciliation and rehabilitation, he recommended that the mandate of UNOSOM II be renewed until 31 March 1994.

At its 3317th meeting, on 18 November 1993, the Security Council included in its agenda the further report of the Secretary-General of 12 November 1993. Following the adoption of the agenda, the Council invited the representatives of Ethiopia and Somalia, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council members to the text of a draft resolution⁴² that had been prepared in the course of the Council's prior consultations and read out revisions to be made to the draft resolution in its provisional form. He also drew the attention of the Council members to a letter⁴³ dated 18 November from the representative of Eritrea addressed to the President of the Security Council.

The representative of Ethiopia stated that the proposal⁴⁴ of the President of Ethiopia, *inter alia*, to reinitiate the Addis Ababa Agreements and to establish a fact-finding mission, would greatly facilitate the reconciliation process and would eventually lead to the formation of civil society in Somalia. He pointed out that solutions had to be sought collectively by the Somalis themselves with the help of the international community. Moreover, a genuine partnership between the OAU, the countries of the subregion and the United Nations was important to the political process in Somalia. The speaker suggested that one way in which UNOSOM II could

⁴² S/26767.

⁴³ S/26766.

⁴⁴ S/26627, annex. See the discussion of the previous decision of the Council for the details of those proposals.

make substantive contributions was the undertaking of comprehensive disarmament. It was therefore crucial that UNOSOM II be present in Somalia and that it have the mandate to take the necessary actions to implement the Addis Ababa Agreements. He also contended that the effective implementation of Security Council resolutions would involve a change of attitude, commitment, neutrality and impartiality on the part of the people entrusted to implement them. He urged that the people who implemented the decisions of the Security Council should therefore be very carefully selected.

The speaker also stated that the main preoccupation in Somalia at that time should be peacemaking. In his view peacemaking was more cost-effective than peace-keeping or peace enforcement. He argued that if the international community was willing to pay a huge sum of money for peace-keeping and peace enforcement, then it should be ready to invest a modest amount in peacemaking.⁴⁵

The draft resolution, as orally revised in its provisional form, was put to the vote and was adopted unanimously as resolution 886 (1993). The resolution reads as follows:

The Security Council,
Reaffirming its resolutions 733 (1992) of 23 January 1992 and all subsequent relevant resolutions,
Having considered the report of the Secretary-General of 12 November 1993,
Noting the significant improvement in the situation in most areas of Somalia achieved by the United Nations Operation in Somalia II as described in that report,
Noting also paragraph 72 of the report of the Secretary-General,
Recognizing that the people of Somalia bear the ultimate responsibility for national reconciliation and reconstruction of their own country,

⁴⁵ S/PV. 3317, pp. 3-7.

Stressing the commitment of the international community to continue helping Somalia in its efforts to accelerate the process of national reconstruction and to promote stability, rehabilitation and political reconciliation and to regain a normal, peaceful life,

Recalling that the highest priority of the Operation continues to be to support the efforts of the Somali people in promoting the process of national reconciliation and the establishment of democratic institutions,

Affirming that the General Agreement signed in Addis Ababa on 8 January 1993 and the Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia, signed on 27 March 1993, establish a sound basis for resolution of the problems in Somalia,

Emphasizing in this context the crucial importance of disarmament in achieving lasting peace and stability throughout Somalia,

Condemning the continuing acts of violence and armed attacks against persons engaged in humanitarian and peace-keeping efforts, and paying tribute to those troops and humanitarian personnel of several countries who have been killed or injured while serving in Somalia,

Determining that the situation in Somalia continues to threaten peace and security in the region,

1. *Welcomes* the report of the Secretary-General;
2. *Commends* the Secretary-General, his Special Representative and the personnel of the United Nations Operation in Somalia II for their achievements in improving the conditions of the Somali people and in promoting the process of national reconciliation and reconstruction of the country;
3. *Decides*, acting under Chapter VII of the Charter of the United Nations, to renew the mandate of the Operation for an additional period ending on 31 May 1994;
4. *Requests* the Secretary-General to report to the Security Council by 15 January 1994, or at any time before that if the situation warrants, on the progress made in achieving national reconciliation by the Somali people and that made in the attainment of political, security and humanitarian goals, and also requests the Secretary-General, as part of that report, to provide an updated plan setting out the Operation's future concerted strategy with regard to its humanitarian, political and security activities;
5. *Also decides* to undertake a fundamental review of the mandate of the Operation by 1 February 1994 in the light of the report of the Secretary-General and his updated plan;

6. *Urges* all parties in Somalia, including movements and factions, to accelerate their efforts to achieve political reconciliation, peace and security and immediately to abide by the cease-fire and disarmament agreements reached in Addis Ababa, particularly the immediate cantonment of all heavy weapons;

7. *Underscores* the importance of the Somali people attaining specific goals in the context of political reconciliation, in particular the early establishment and effective functioning of all district and regional councils and an interim national authority;

8. *Stresses* in this regard the importance it attaches to the accelerated implementation by the Somali people, with the assistance of the United Nations and donor countries, of the recommendations contained in annex I of the report of the Secretary-General of 17 August 1993 and endorsed by the Security Council in its resolution 865 (1993) of 22 September 1993, and in particular the establishment of an operational police, penal and judiciary system at the regional and district level as soon as feasible;

9. *Reminds* all parties in Somalia, including movements and factions, that continued United Nations involvement in Somalia depends on their active cooperation and tangible progress towards a political settlement;

10. *Welcomes and supports* the ongoing diplomatic efforts being made by Member States and international organizations, in particular those in the region, to assist United Nations efforts to bring all parties in Somalia, including movements and factions, to the negotiating table;

11. *Reaffirms* the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

12. *Expresses concern* at the destabilizing effects of cross-border arms flows in the region, affirms the importance it attaches to the security of the countries neighbouring Somalia, and calls for the cessation of such arms flows;

13. *Welcomes* the Fourth Coordination Meeting for Humanitarian Assistance for Somalia, to be held at Addis Ababa from 29 November to 1 December 1993;

14. *Emphasizes* the relationship between national rehabilitation and progress in the process of national reconciliation in Somalia, and encourages donor countries to make contributions to Somalia's rehabilitation as demonstrable political progress occurs, and in particular to contribute urgently to rehabilitation projects in those regions where progress on political reconciliation and security has been made;

15. *Expresses its appreciation* to those Member States which have contributed to or provided logistical or other assistance to the Operation or offered to do so, and encourages those who are in a position to do so to contribute, on an urgent basis, troops, equipment, and financial and logistical support to enhance the Operation's capability to carry out its mandate and to ensure the safety of the personnel;

16. *Requests* the Secretary-General to ask the Somalia Trust Fund Committee to review claims and make payments on an urgent basis and urges Member States to make funds available directly or through the Somalia Trust Fund for priority projects, including the re-establishment of the Somali police and demining, on an urgent basis;

17. *Decides* to remain actively seized of the matter.

After the vote, the representatives of the United States, the United Kingdom and France stated that the resolution demonstrated the will of the international community not to abandon Somalia. They stressed, however, that the United Nations could only help and that the people of Somalia bore the ultimate responsibility for national reconciliation and the reconstruction of their country.⁴⁶ The representatives of France and the Russian Federation stressed the importance of the efforts made by the countries and organizations of the regions to help find a settlement to the Somali crisis.⁴⁷

The representative of France drew attention to the fact that, while his country welcomed the contribution of the United States to UNOSOM, it would have preferred, for reasons of clarity and consistency and because the problem might arise in the case of other peace-keeping operations, to see the status of the United States forces *vis-à-vis* UNOSOM clarified in the resolution.

The representative of China stated that the international community could only play a supplementary and facilitating role in the promotion of a final settlement. The overall objective

⁴⁶ *Ibid.*, United States, pp. 16-17; France, pp. 18-20; United Kingdom, pp. 22-23.

⁴⁷ *Ibid.*, France, pp. 18-20, Russian Federation, pp. 33-35.

of UNOSOM II should be to promote national reconciliation, and it should fulfill its mandate by relying on the Somali people, using peaceful means.

The representative of the United Kingdom stated that his Government was concerned at the destabilizing effects of cross-border arms flows into neighbouring countries and was therefore pleased that the resolution emphasized the importance of doing what could be done to protect the security of neighbouring countries.⁴⁸

Decision of 30 November 1993: letter from the President to the Secretary-General

By a letter⁴⁹ dated 23 November 1993 addressed to the President of the Council, the Secretary-General informed the Council that in response to its request in resolution 885 (1993) of 16 November 1993, he had appointed a Commission of Inquiry to carry out the investigation into the armed attacks on personnel of ONUSOM II. In that letter the Secretary-General also noted that he had decided to establish a separate secretariat to assist the Commission.⁵⁰ By a letter⁵¹ dated 30 November 1993, the President informed the Secretary-General that the members of the Council took note of the composition of the Commission and welcomed his decision to establish a separate secretariat to assist the Commission. They also looked forward to receiving the Commission's report through him.

Decision of 4 February 1994 (3334th meeting): resolution 897 (1994)

⁴⁸ *Ibid.*, pp. 22-23.

⁴⁹ S/26823.

⁵⁰ See also Chapter V of the 12 Supplement of the Repertoire of the practice of the Security Council.

⁵¹ S/26824.

On 6 January 1994, pursuant to resolution 886 (1993) of 18 November 1993, the Secretary-General submitted to the Council a further report⁵² in which he gave an account of the progress made by UNOSOM II in the fulfilment of its mandate and outlined his views for the continuation of UNOSOM II.

The Secretary-General noted that while progress had been achieved by UNOSOM II in implementing its mandate in the political, humanitarian and security fields, that mandate was nevertheless far from being fully accomplished. In his view, UNOSOM II's mandate would be completed only when the Addis Ababa agreement of March 1993 had been fully implemented, culminating in the holding of general elections and the installation of a popularly elected Government. That would be predicated on the fulfilment of two indispensable conditions: a spirit of cooperation, compromise and commitment on the part of the Somali people, and the continued involvement of the international community. As far as the international community was concerned, it had given ample evidence of its concern for the people of Somalia. However, there were unmistakable signs of fatigue among the international community as it continued to be called upon to extend such assistance through the United Nations. Despite that, the Secretary-General remained convinced that the international community did not wish to shirk its responsibility towards the Somali people. He noted that at the Fourth Humanitarian Conference, held at Addis Ababa in November/December 1993, representatives of the donor community had reiterated their willingness to help Somalia in its national rehabilitation and reconstruction. But they had also made it clear that their offer to commit further resources was conditional on the Somalis doing their part to bring about national reconciliation and establish at least minimum levels of security. As for the Secretary-General, his position was clear: the international community must not abandon the people of Somalia as long as an overwhelming majority of them desired the presence of the United Nations.

⁵² S/1994/12.

The Secretary-General recalled the three options that he had proposed in his earlier report to the Council⁵³ regarding the mandate and functioning of UNOSOM II and he recommended the second option, although he noted that that his preference would have been for the first option. Under the second option, UNOSOM II would not use coercive methods, but would rely on the cooperation of the Somali parties. It would protect the important ports and airports, and the essential infrastructure of Somalia; keep open the main supply routes between Mogadishu and outside areas; pursue as a matter of utmost priority the reorganization of the Somali police and judicial systems; and help with the repatriation of refugees. It would also continue its efforts to provide emergency relief supplies to all in need throughout the country and coordinate its activities in such a manner that programmes of assistance of the international community would be supported in areas of their choice. As far as the political process in Somalia was concerned, UNOSOM II would continue to play a role as desired by the Somali people. In the Secretary-General's view, the Addis Ababa Agreement offered the only agreed framework within which a political solution could be found. UNOSOM II could not and would not stand in the way of the parties to that agreement if they voluntarily decided to modify its terms. The number of troops required under that option would be 16,000. He noted that if that order of troop strength was not available, or if the necessary financial resources were not available after 31 March 1994, then he would bring the matter to the attention of the Security Council, possibly with a modified recommendation regarding the mandate of UNOSOM II.

The Secretary-General concluded by cautioning that the success of UNOSOM II under the second option would depend, more than ever, on the cooperation of the Somali parties. He added that if the Somalis succeeded in establishing the TNC in the near future, that would be a significant development.

At its 3334th meeting, on 4 February 1994, the Security Council included in its agenda the further report of the Secretary-General of 6 January 1994. Following the adoption of the agenda,

⁵³ S/26738, paras 91-97.

the Council invited the representative of Somalia, at her request, to participate in the discussions without the right to vote. The President (Djibouti) then drew the attention of the Council members to the text of a draft resolution⁵⁴ that had been prepared in the course of the Council's prior consultations and read out a revision to be made to the draft resolution in its provisional form. He also drew the attention of the Council members to a letter⁵⁵ dated 4 February 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia addressed to the President of the Security Council in which his Government emphasized the importance of developing a practice or mechanism that would allow direct and close consultations between the Security Council and the countries contributing troops to UNOSOM II and raised the possibility of extending such a practice or mechanism to other peace-keeping operations.

Before the vote, the representative of Nigeria stated that the international community faced once again the crucial question of whether or not the United Nations should divest itself entirely of Somalia. He contended that for the credibility of the Organization, and in the higher interest of the Somali people, UNOSOM II could not simply "fold up" and exit from Somalia. The Council needed to continue to help the people of Somalia so that they could overcome their difficulties and enable their country to rejoin the international community in peace and with dignity. He noted, however, that it was important, as the draft resolution made clear, that in the ongoing efforts at political reconciliation, rehabilitation and reconstruction in Somalia, the Somali people themselves would play the leading part. His Government expressed appreciation for the draft resolution's reaffirmation of the obligation of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia. His Government was also pleased that the draft resolution placed a premium on the need to assure the safety and protection of the UNOSOM II personnel who would remain in Somalia under the revised mandate. It was

⁵⁴ S/1994/115.

⁵⁵ S/1994/120.

also important that, whatever its exact force level after 31 March 1994, UNOSOM should retain the capacity to carry out effectively its duties as redefined.⁵⁶

The representative of Pakistan noted that the draft resolution was the result of extensive dialogue and discussion among the Council members. He pointed out that the fresh mandate to be given to UNOSOM II would be more modest than its predecessor. Under the new mandate, the responsibility for the restoration and maintenance of law and order within the country would lie solely with the Somali people, with the assistance of UNOSOM II. The resolution was quite clear that, in the event of inter-clan fighting, UNOSOM II would not get involved. It was also clear that UNOSOM II would only encourage and assist the Somali parties in the process of disarmament and would not be required to enforce the disarmament or other clauses contained in the Addis Ababa agreement. Obviously, that meant that the Somali parties themselves would have to take greater responsibility for the establishment of viable political institutions and normal conditions in their country. For his country, that was a development in the right direction. Pakistan, as a troop contributing country, was also grateful that the draft resolution underscored clearly that all necessary material means and military assets would be placed at the disposal of UNOSOM II to enable it to defend its personnel.⁵⁷

The representative of Rwanda contended that the international community, having made such a great investment in Somalia, should do everything in its power to continue UNOSOM II. He trusted that the United Nations mission in Somalia would be successful only when the Addis Ababa Agreements of January and March 1993 had been fully implemented, when general elections had been held, and when a government had been elected and installed in accordance with the wishes of the populace. His delegation was concerned that the critical situation in which Somalia found itself could become extremely difficult if the almost simultaneous withdrawal of some contingents participating in the operation was not approached in the context of a plan that

⁵⁶ S/PV.3334, pp. 4-8.

⁵⁷ *Ibid.*, pp. 9-11.

could guarantee the mission the means necessary to carry out its tasks. It encouraged the Secretary-General to step up the contacts he had already initiated with certain States and to request them to contribute to UNOSOM II, which, under Chapter VII of the Charter, would continue to fulfil the mandate set out in paragraph 2 of the draft resolution. His delegation also believed that UNOSOM II should continue to serve as a catalyst for successful political dialogue between the parties. In that context it attached the greatest importance to the establishment of contacts between the Secretary-General and the Somali parties, pursuant to paragraph 13 of the draft resolution, in order to establish a timetable for the implementation of the Addis Ababa agreements.⁵⁸

The representative of China stated that the experiences and lessons of UNOSOM II had shown that the fundamental and effective way to settle the Somali question was by peaceful means. Resort to coercive military actions would only serve to complicate matters. The second option recommended by the Secretary-General was also in conformity with that principle in its advocacy of non-use of coercive measures to achieve disarmament by the Somali parties themselves. China understood that the draft resolution did not, in essence, run counter to that principle.⁵⁹

The draft resolution, as orally revised in its provisional form, was then put to the vote and was adopted unanimously as resolution 897 (1994). The resolution reads as follows:

The Security Council,
Recalling its resolution 733 (1992) of 23 January 1992 and all subsequent relevant resolutions,
Reaffirming the decision taken in its resolution 886 (1993) of 18 November 1993 to continue the United Nations Operation in Somalia II up to 31 May 1994,
Having considered the report of the Secretary-General of 6 January 1994,

⁵⁸ *Ibid.*, pp.12-15.

⁵⁹ *Ibid.*, pp.16-17.

Stressing the importance the Council attaches to the Somali parties fulfilling in good faith all obligations and agreements to which they commit themselves, and affirming once again that the General Agreement signed at Addis Ababa on 8 January 1993 and the Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia signed on 27 March 1993 (“the Addis Ababa Agreements”) constitute the basis for the resolution of the problems in Somalia,

Bearing in mind respect for the sovereignty and territorial integrity of Somalia in accordance with the Charter of the United Nations, and recognizing that the people of Somalia bear the ultimate responsibility for setting up viable national political institutions and for reconstructing their country,

Expressing serious concern at reports that Somali factions are re-arming and that a troop build-up is taking place in some regions of Somalia,

Condemning the continuing incidents of fighting and banditry in Somalia, and in particular condemning violence and armed attacks against persons engaged in humanitarian and peace-keeping efforts,

Emphasizing the crucial importance of disarmament by all parties in achieving lasting peace and stability in Somalia,

Paying tribute to the peace-keepers and humanitarian personnel of several countries killed or injured while serving in Somalia, and in this context re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping throughout Somalia,

Affirming the importance of the establishment, by the Somali people, of representative district and regional councils and of a transitional national council, as well as the importance of a re-established police force and a judicial system for the restoration of public order throughout Somalia,

Welcoming the efforts made at the fourth humanitarian conference at Addis Ababa, and reaffirming the commitment of the international community to assist the Somali people to attain political reconciliation and reconstruction,

Welcoming also political contacts and consultations between representatives of various parties in Somalia with a view to finding solutions to outstanding matters and disputes among them and promoting the process of political reconciliation,

Commending and supporting the ongoing diplomatic efforts being made by international and regional organizations and Member States, in particular those in the region, to assist United Nations efforts to persuade Somali parties to reach a political settlement,

Reaffirming the objective that the Operation complete its mission by March 1995,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances, including in particular the absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General,
2. *Approves* the Secretary-General's recommendation for the continuation of the United Nations Operation in Somalia II, as set out in particular in paragraph 57 of his report, with a revised mandate for the following:

- (a) Encouraging and assisting the Somali parties in implementing the Addis Ababa Agreements, in particular in their cooperative efforts to achieve disarmament and to respect the cease-fire;

- (b) Protecting major ports and airports and essential infrastructure and safeguarding the lines of communication vital to the provision of humanitarian relief and reconstruction assistance;

- (c) Continuing its efforts to provide humanitarian relief to all in need throughout the country;

- (d) Assisting in the reorganization of the Somali police and judicial system;

- (e) Helping with the repatriation and resettlement of refugees and displaced persons;

- (f) Assisting also in the ongoing political process in Somalia, which should culminate in the installation of a democratically elected Government;

- (g) Providing protection for the personnel, installations and equipment of the United Nations and its agencies, as well as of non-governmental organizations providing humanitarian relief and reconstruction assistance;

3. *Authorizes* the gradual reduction of the Operation to a force level of up to 22,000 and necessary support elements, such force level to be reviewed at the next renewal of the mandate;

4. *Underlines*, in this context, the vital importance of placing at the disposal of the Operation the necessary material means and military assets required to enable it to discharge its responsibilities in an effective manner as well as effectively to defend its personnel in case of armed attack;

5. *Also approves* giving priority to directing international reconstruction resources to those regions where security is being re-established and to local Somali institutions which are prepared to cooperate with the international community in setting development priorities in accordance with the

declaration of the fourth humanitarian conference in Addis Ababa as set forth in paragraphs 23 and 24 of the report of the Secretary-General;

6. *Underlines* the importance that the Council attaches to demining, and requests the Secretary-General to make arrangements to ensure the start of demining operations as soon as possible wherever conditions permit;

7. *Calls upon* all parties in Somalia to cooperate fully with the Operation and respect the cease-fire arrangements and other commitments entered into by them;

8. *Demands* that all Somali parties refrain from any acts of intimidation or violence against personnel engaged in humanitarian or peace-keeping work in Somalia;

9. *Reaffirms* the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

10. *Commends* the Secretary-General, his Special Representative and the personnel of the Operation for their efforts in improving the conditions of the Somali people and in encouraging the process of political reconciliation, rehabilitation and reconstruction;

11. *Expresses its appreciation* to those Member States which have contributed troops or provided logistical or other assistance to the Operation or have offered to do so, and encourages those that are in a position to do so to contribute, on an urgent basis, troops, civilian personnel, equipment and financial and logistical support so as to enhance the capability of the Operation to carry out its mandate;

12. *Also expresses its appreciation* to those States which have contributed humanitarian assistance or have supported the Somali justice programmes and encourages further such contributions on an urgent basis;

13. *Requests* the Secretary-General to consider, in consultation with the Organization of African Unity and the League of Arab States, establishing contacts with the Somali parties with a view to arriving at an agreed timetable for implementing the Addis Ababa Agreements, including the objective of completing the process by March 1995;

14. *Also requests* the Secretary-General to submit to it, as soon as the situation warrants, and in any case in good time before 31 May 1994, a report on the situation in Somalia and the implementation of the present resolution;

15. *Decides* to remain actively seized of the matter.

After the vote, the representative of the United States stressed the following points: First, the resolution stated clearly what many members of the Council had been saying for some time, that the people of Somalia needed to bear the responsibility for national reconciliation and the reconstruction of their country. Secondly, attacks on those providing humanitarian relief and reconstruction assistance needed to stop. Thirdly, as Somali efforts to achieve national reconciliation and security proceeded, there was a role for the international community. The United States strongly supported a regional focus for assistance, giving priority to those areas of the country where there was security and where local institutions were prepared to cooperate. The resolution also made it clear that there was work to be done in laying the groundwork for a return to law and order through support for programmes to rebuild Somalia's police and its system of justice.⁶⁰

The representative of the United Kingdom noted that under the resolution just adopted, UNOSOM II, which remained one of the largest, the most complex and the most costly peace-keeping operations ever undertaken by the United Nations, would operate under a revised and more realistic mandate. The rebuilding of Somalia could not be in the hands of UNOSOM II or of the international community: it needed to be in the hands of the Somali people. His Government was deeply concerned at reports that some Somali factions were rearming, and of increased inter-clan clashes and banditry and by the renewed increase in violence and attacks against humanitarian relief workers. He noted, in that regard, that the resolution gave a clear mandate to UNOSOM II to provide protection not only for United Nations personnel and installations, but also for non-governmental organizations providing humanitarian assistance to the people of Somalia. Another point of particular concern to his Government was the need to ensure the very closest coordination between UNOSOM II and the various bodies engaged in rehabilitation and reconstruction work in Somalia, with clearly defined lines of responsibility.⁶¹

⁶⁰ *Ibid.*, pp. 20-22.

⁶¹ *Ibid.*, pp. 24-26.

The representative of Brazil stated that his country had constantly maintained that the Council should avoid invoking the extraordinary powers conferred upon it in Chapter VII of the Charter of the United Nations except in clearly exceptional circumstances, as in the unique case of Somalia. Even then, it should act in a sparing manner, seeking to limit the application of those powers as much as possible. His delegation therefore welcomed the fact that the text of the resolution made it clear that it was only in the light of the exceptional circumstances then prevailing in Somalia including, in particular, the absence of a national government that the Security Council was acting under Chapter VII of the Charter. It was his delegation's understanding that the reference to Chapter VII applied only to those aspects of the resolution that fell clearly under the provisions of that Chapter of the Charter.⁶²

The representative of the Russian Federation stated that his delegation considered the main thrust of the resolution to be a shift in focus, to the activation of political aspects of the work of UNOSOM II and to the creation of conditions for the attainment by the Somalis of a stable political settlement on the basis of the Addis Ababa Agreements. Another important element was the gradual reduction in strength of the military component of UNOSOM II. It was the view of his delegation that the key to an early settlement of the conflict lay in the hands of the Somali people themselves. In addition to the efforts of the United Nations, more active use should be made of the OAU, other regional organizations, Somalia's neighbouring countries and all other interested States.⁶³

The President, in his capacity as the representative of Djibouti, stated that critical factors were the impending withdrawal of key countries and the implacable opposition by certain factions to the Addis Ababa Agreements, including to the role assigned to the United Nations. Together, those factors created a pervasive sense of insecurity and fear among all elements of Somali society, leading to rearming, a breakdown in security and interruptions of the flow of

⁶² *Ibid.*, pp. 26-29.

⁶³ *Ibid.*, pp. 30-31.

humanitarian aid. He also stated that the forces of peace, development and democracy were strong, and that in its remaining tenure the United Nations must be seen to support those forces in institutions, reconstruction and aid. There would be more hope if there was to be a regional agreement on a peaceful future for Somalia. While he would have liked to see in the resolution a stronger indication of those responsible for the situation and limitations on progress in Somalia, a clearer statement of the purpose of the United Nations and an emphasis on the need to honour past commitments, he nonetheless supported the resolution.⁶⁴

Decision of 26 May 1994: letter from the President of the Security Council to the Secretary-General

By a letter⁶⁵ dated 26 May 1994, the President of the Security Council informed the Secretary-General as follows:

“ The members of the Security Council have received the report of the Commission of Inquiry established pursuant to resolution 885 (1993) to investigate armed attacks on personnel of the United Nations Operation in Somalia II.

“The Council had asked me to convey to you its decision that the report should now be circulated as a document of the Council in the normal manner.

“The Council also asked me to indicate its thanks for the report of the Commission.

“It is noted that many of the suggestions in the report had already been acted upon by the Operation and by the Council.

⁶⁴ *Ibid.*, pp. 42-46.

⁶⁵ S/1994/652.

“The members of the Council believe that the report demonstrates the complexity and difficulty of the operation in Somalia. Many lessons have been learned and the Council will be able to build upon that experience in future peace-keeping operations.

“I should be grateful if this letter could be circulated as a document of the Council at the same time as the report is circulated.”

Decision of 31 May 1994 (3385th meeting): resolution 923 (1994)

On 24 May 1994, pursuant to resolution 897 (1994) of 4 February 1994, the Secretary-General submitted to the Council a further report⁶⁶ on UNOSOM II in which the Secretary-General reported, *inter alia*, on developments in Somalia relating to the political situation.

The Secretary-General noted that after the adoption of resolution 897 (1994), the political process for national reconciliation in Somalia had gained new impetus. He reported that his Acting Special Representative had launched an initiative to normalize the relationship between UNOSOM II and the Somali National Alliance (SNA). He had also persuaded the Somali leaders, including General Aidid, Chairman of SNA, and Mr. Ali Mahdi, Spokesman of the Group of 12, to meet at Nairobi on 15 March 1994 for consultation, with the objective of securing agreement on the indefinite cessation of hostilities and on a long-term solution to the problems of Lower Juba. The meeting had culminated in the signing of the Nairobi Declaration in Nairobi on 24 March 1994, in which both sides had agreed to convene a national reconciliation conference on 15 May 1994, to elect a President and Vice-Presidents and to appoint a Prime Minister. The Conference would also complete and review the formation of local authorities where necessary and establish an independent judiciary. The Conference was postponed, however, due to the deteriorating security situation. On 27 March 1994, an agreement was signed by members of a joint committee representing SNA and the Somali Patriotic

⁶⁶ S/1994/614.

Movement (SPM), calling for a lower Juba Reconciliation Conference at Kismayo on 8 April 1994. The Conference opened on 24 May 1994.

The Secretary-General also noted that, despite the political reconciliation efforts, the security situation in Somalia had been deteriorating. Militia groups were rearming and banditry was on the rise. He stated, however, that the situation was not entirely devoid of hope. On the one hand, there was the unanimous commitment on the part of the Somali parties to pursue the path of reconciliation and to work together to achieve voluntary disarmament and a permanent cease-fire. On the other hand, some of the factions had used their military strength to increase the areas under their control, in order to enhance their negotiating positions. He observed that all the Somali leaders had appealed to UNOSOM to continue supporting their reconciliation and rehabilitation efforts, which had enabled his Acting Special Representative to pursue a political initiative over the preceding few months. The result had been a resumption of dialogue, normalization of UNOSOM's relationship with the SNA, and the very important Declaration adopted by the parties at Nairobi. He also observed, however, that there had been considerable delays in implementing the agreement, and that the preparatory meeting to organise the National Reconciliation Conference was consequently scheduled for 30 May 1994, with no date fixed for the Conference itself.

The Secretary-General noted that the Nairobi Declaration had brought the United Nations Operation in Somalia to a defining moment. The issue before the Security Council was the extension of the UNOSOM II mandate, taking into account the Council's objective, set out in resolution 897 (1994), that UNOSOM II complete its mission by March 1995. In the Secretary-General's opinion, renewing the mandate would signify the Member States' determination to fulfil the United Nations vision of assisting Somalia's efforts towards political reconciliation, national reconstruction and peace, whereas deciding to phase out the Somalia operation would signify abandonment of that vision, and the country might consequently slide back into the abyss from which it had been barely rescued less than two years earlier. Stating that the Somali people

deserved one last chance, he recommended that the Security Council reaffirm its objective, set out in resolution 897 (1994), that UNOSOM II complete its mission by March 1995, and that the Council extend the UNOSOM II mandate for a period of six months. He also recommended that the extension be at the then authorized troop strength of 22,000, and that it be subject to periodic reviews, according to the political and military situation and progress towards reconciliation. His recommendation was based on the assumption that the Somali leaders would prove able and willing to pursue the path to political reconciliation. He warned that, should that assumption prove unfounded, he would not hesitate to report to the Security Council, nor would he rule out recommending that the Council consider withdrawing the United Nations force in part or in full. He had accordingly instructed UNOSOM II to formulate a comprehensive contingency withdrawal plan.

At its 3385th meeting, on 31 May 1994, the Security Council included in its agenda the further report of the Secretary-General of 24 May 1994. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council members to the text of a draft resolution⁶⁷ that had been prepared in the course of the Council's prior consultations.

Before the vote, the representative of Rwanda stated that it was disturbing that, despite reconciliation efforts being made at the regional and national levels, the security situation was deteriorating. He referred to the fighting that was continuing amongst the Somali clans, and to the prevalence of banditry and urged the Council to proceed with the full deployment of the authorized force of UNOSOM II, set at 22,000 men, and to provide the force with the necessary logistical and material means to discharge its mandate. He maintained that collective action was

⁶⁷ S/1994/638.

indispensable to support the efforts of the Somali people to reconstruct their country's political and socio-economic structure. For that reason, his delegation supported the draft resolution.⁶⁸

The representative of Pakistan stated that, while he was concerned at the deterioration in the security situation in Somalia, he could not ignore the positive elements over the last few months, foremost among which was the declared commitment of the Somali parties to pursue the path of reconciliation. His delegation had been willing to accept the Secretary-General's recommendation to renew the mandate of UNOSOM II for a period of six months, but an equally convincing case had been made for reducing the extension period to four months. He contended that the reduction in length of the mandate should not be seen as an erosion of the commitment of the international community to the people of Somalia, but rather that it signified a desire to persuade the Somali parties to hasten their endeavours towards the objective of national reconciliation. He stated that his delegation was confident that adequate progress during that four-month period would lead to a further renewal of the UNOSOM II mandate.⁶⁹

The draft resolution was then put to the vote and was adopted unanimously as resolution 923 (1994). The resolution reads as follows:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General of 24 May 1994,

Reaffirming the commitment of the international community to assisting the Somali people to attain political reconciliation and reconstruction

Emphasizing in this context that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and for rebuilding their country,

Stressing the importance the Council attaches to the Somali parties working seriously to achieve peace and national reconciliation in their country and to their fulfilling in good faith all obligations and agreements to which they commit themselves,

⁶⁸ S/PV.3385, pp. 2-3.

⁶⁹ *Ibid.*, pp. 3-4.

Welcoming the declaration of the leaders of the Somali political organizations signed in Nairobi on 24 March 1994, which, *inter alia*, committed the Somali parties to restoring peace throughout Somalia, to setting up rules and procedures of voting and criteria for participation in the national reconciliation conference, to convening a national reconciliation conference to elect a President and Vice-Presidents and to appoint a Prime Minister, to completing and reviewing the formation of local authorities and to establishing an independent judiciary,

Welcoming also the Lower Juba regional conference,

Concerned none the less at the delays in the reconciliation process and at the deterioration in the security situation,

Condemning the continuing incidents of fighting and banditry in Somalia and, in particular, violence and armed attacks against persons engaged in humanitarian and peace-keeping efforts,

Paying tribute to those troops and humanitarian personnel of several countries who have been killed or injured while serving in Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping throughout Somalia,

Paying tribute to the humanitarian work being undertaken by United Nations agencies and non-governmental organizations in difficult conditions to assist the people of Somalia,

Taking note of the fact that all Somali leaders have appealed to the United Nations Operation in Somalia II to continue supporting their reconciliation and rehabilitation efforts,

Reaffirming the objective that the Operation complete its mission by March 1995,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances, including in particular the absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General;

2. *Decides* to renew the mandate of the United Nations Operation in Somalia II for an additional period expiring on 30 September 1994, subject to a review by the Council no later than 29 July 1994 based on a report by the Secretary-General on the humanitarian mission carried out by the Operation and on the political and security situation in Somalia and progress made in achieving national reconciliation, in the light of which report and review the Security Council may request the Secretary-General to prepare options regarding the mandate and future operations of the United Nations Operation in Somalia;

3. *Commends* the Secretary-General, his Acting Special Representative and the personnel of the Operation for their efforts towards improving the conditions of the Somali people and in encouraging the process of political reconciliation, rehabilitation and reconstruction;

4. *Strongly urges* all parties in Somalia to cooperate fully with the Operation, to carry out the commitments and implement the agreements which they have signed, including those relating to the voluntary disarmament, and to pursue without further delay the negotiations aimed at achieving national reconciliation;

5. *Demands* that all parties in Somalia refrain from any acts of intimidation or violence against personnel engaged in humanitarian or peace-keeping work in the country;

6. *Reaffirms* the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

7. *Welcomes* the progress made by the Operation in establishing the justice and police programmes and calls for their acceleration;

8. *Expresses its appreciation* to those Member States which have contributed troops or provided logistical or other assistance to the Operation or have offered to do so, and underlines, in this context, the continuing importance of the Operation having at its disposal the necessary troops, civilian personnel, equipment and financial and logistic support to carry out its mandate effectively;

9. *Also expresses its appreciation* to those Member States which have extended humanitarian assistance or have supported the Somali justice and police programmes, and encourages further such contributions on an urgent basis;

10. *Decides* to remain actively seized of the matter.

After the vote, the representative of China stated that the international community should continue to make every possible endeavour to help the Somali people achieve genuine national reconciliation. He contended that that was the key to ending civil war and restoring peace. He stressed in that connection the important role of the OAU. Pointing out that the principle of using non-coercive measures should be observed by UNOSOM II in the performance of its

mandate, he expressed the belief that the final resolution of the Somali question lay with the Somali people themselves.⁷⁰

The representative of New Zealand suggested that it would be quite wrong to characterize what had been going on in Somalia over the past four months in negative terms. There were a number of notable successes to counterbalance the setbacks and reasons which explained the slow pace on the political front. That was why his delegation had been strongly of the view that the Security Council had no basis for rejecting the recommendation of the Secretary-General that UNOSOM II's mandate should be extended for a further six-month period. What Somalia and UNOSOM most needed at that point was a period of stability in which they could consolidate the gains already made and tackle the problems that remained. There were also strong reasons, in the context of the responsible management of peace-keeping operations - both financial reasons and in terms of proper planning - for the Security Council to avoid subjecting the terms of a peace-keeping mandate to artificial and politically generated time-frames. That did not mean that the Somali parties should have a free hand to delay indefinitely the process of national reconciliation. He suggested that some in Somalia might welcome the opportunity to speed the United Nations on its way and he warned that, if that were to be the result of the Council's action, the Council would have done a grave disservice to the Somali people and to the humanitarian mission. While noting that the Council had a commitment to maintain the operation until March 1995, he stated that in the coming months the Council should turn its attention to considerations such as what kind of United Nations presence should be envisaged for Somalia after March 1995, and how UNOSOM's operations and structure should be implemented to ensure that the transition to that next phase was as smooth and beneficial to the Somali people as possible.⁷¹

The representative of the United States stated that the resolution just adopted underscored the growing impatience of the international community with the pace of progress towards

⁷⁰ *Ibid.*, pp. 5-6.

⁷¹ *Ibid.*, pp. 7-8.

national reconciliation in Somalia and placed those responsible for obstructing forward movement on notice. He observed that the adjustment in the length of the mandate's renewal to four months and the provision for a review of progress was not an empty exercise. His delegation supported the tough message the Secretary-General had attempted to deliver to the Somali factions and that he would not hesitate to recommend an end to the mission. He observed that the international community had expended considerable resources and many lives to help Somalia, and contended that in the absence of indications to the contrary, the international community was not prepared to continue helping a people who seemed unwilling to help themselves.⁷²

The President, in his capacity as the representative of Nigeria, questioned the course of action to be taken by the international community. He queried whether the United Nations should cut off its assistance to Somalia and abandon the Somalis to a fate dictated not so much by the Somali people, but by the parties and factions that controlled the instruments of violence and coercion in the country, even though, statistically, those elements were “in the tiniest of tiny minorities.” He noted that his delegation saw merit in the resolution just adopted calling upon the parties to show good faith, if continued United Nations support in Somalia was to be assured. His delegation also believed that the situation in Somalia, because of its exceptional circumstances - including, in particular, the absence of a government - deserved special and more flexible consideration, and should not be treated in the same framework as some other United Nations peace-keeping operations, where credible governmental and non-governmental authorities existed. He warned that it would be a mistake if, because of the desire for quick results, the United Nations were to embark on a precipitate withdrawal from Somalia, before its initial target date of March 1995, without taking into full account Somalia's special circumstances.⁷³

Decision of 28 July 1994: letter from the President to the Secretary-General

⁷² *Ibid.*, pp. 9-10.

⁷³ *Ibid.*, pp. 10-12.

On 18 July 1994, pursuant to resolution 923 (1994) of 31 May 1994, the Secretary-General submitted to the Council a further report⁷⁴ on UNOSOM II in which he described UNOSOM'S II efforts to improve the overall situation in Somalia.

The Secretary-General noted that the overall situation in Somalia had deteriorated since his last report, especially in Mogadishu, due both to a resumption of inter-clan fighting and to a further increase in banditry. However, in many regions daily life was returning to normal, agricultural production was recovering, and progress was being achieved in the rebuilding of institutions, especially the police and the judicial system. Despite those positive signs, national reconciliation process was advancing at a pace so slow that there was little or no reason to believe that the target of completing the process by March 1995 could be achieved. Repeated postponements of conferences, the emergence of new subgroups and the lack of a clear reconciliation process had created the impression that talks between Somali leaders could continue indefinitely.

The Secretary-General informed the Council that he had asked his Special Representative to prepare an in-depth assessment of the prospects for national reconciliation in Somalia. He had also decided to undertake a comprehensive review of the troop strength of UNOSOM II. In that regard, he intended to dispatch a special mission which would be entrusted with making recommendations on the future size of UNOSOM II.

In a letter⁷⁵ dated 28 July 1994, the President informed the Secretary-General as follows:

⁷⁴ S/1994/839.

⁷⁵ S/1994/898.

“ The members of the Council have reviewed the situation as envisaged in resolution 923 (1994) of 31 May 1994. The review was considerably facilitated by the comprehensive nature of your report of 18 July 1994.

“ The Council members noted with satisfaction the gains made in Somalia on the humanitarian front, with the assistance of the United Nations Operation in Somalia II, United Nations agencies and non-governmental organizations. They also welcomed the progress made in the re-establishment of the Somali police and justice systems as well as in demining activities.

“ The Council members share your serious concern at the very little forward movement registered in the Somali national reconciliation process since the Nairobi declaration of 24 March 1994 and at the recent deterioration in the security situation in Somalia. They are also disappointed at the repeated postponements of the national reconciliation conference and its preparatory meeting, for which there is still no agreement on either the dates or the venue.

“ In view of the situation in Somalia, described in your report, the Council members considered most appropriate and timely your directive to your Special Representative for Somalia to prepare an in-depth assessment of the prospects for national reconciliation in Somalia. They also welcomed your decision to dispatch a special mission to Somalia and to present recommendations to the Council on the future size of the Operation as soon as possible.”

Decision of 25 August 1994 (3418th meeting): statement by the President

On 17 August 1994, the Secretary-General submitted to the Council a report⁷⁶ in which he presented his assessment of the prospects for national reconciliation in Somalia and reported on the special mission he had sent to discuss and present recommendations on a possible reduction in the level of troops assigned to UNOSOM II.

⁷⁶ S/1994/977.

The Secretary-General reported that ongoing factional disputes and conflicts and disagreements had made it impossible thus far to reach agreement on the date and venue for the preparatory meeting for the convening of a national reconciliation conference. Consequently, the national reconciliation conference that was scheduled to take place on 15 May 1994 had been indefinitely postponed. In addition to those efforts at the national level, inter-clan reconciliation meetings at the local, district and regional levels had also been sponsored by the United Nations to move forward the peace process. They included the Galkayo meeting (June 1993), the Jubaland Peace Conference (June-August 1993), the Lower Juba region Reconciliation Conference (Kismayo, June 1994) and the Absame Reconciliation Conference (Dobley, June-July 1994). Taken together, the meetings had enhanced the prospects for national reconciliation.

The Secretary-General noted that it was generally acknowledged that conflicts within the dominant Hawiye clan, to which both Mr. Ali Mahdi and General Mohammed Farah Aidid belonged, constituted the major obstacle to national reconciliation. Both had expressed their willingness to participate in a Hawiye reconciliation conference. The Secretary-General conveyed the view of his Special Representative that, with the cooperation of the parties concerned and the support of the international community, the reconciliation of the Hawiye should be achieved in time to create a favourable climate for the convening of a conference on national reconciliation and the establishment of an interim government in the last quarter of 1994. That would leave three months for consolidating agreed transitional arrangements for the interim government before the completion of the mission of UNOSOM II at the end of March 1995. While agreeing with the assessment of his Special Representative, the Secretary-General noted, however, that there were no clear signs that preparations for a Hawiye conference were underway. He had nevertheless instructed his Special Representative to assist the parties concerned to convene such a conference in the next few weeks. There were also disturbing developments which seemed to militate against national reconciliation. The two antagonistic groups, the Somali National Alliance (SNA) and the Somali Salvation Alliance (SSA) were continuing to encourage and facilitate the creation of new partisan factions, which were not parties to the agreements reached in Addis Ababa and Nairobi. Such a multiplication of factions

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would complicate further the prospects for the preparatory meeting and the subsequent national reconciliation conference, and had to be overcome without further delay.

With respect to a possible reduction in the UNOSOM II force, the Secretary-General reported that the special mission had recommended that UNOSOM II's force be reduced to 17,200 by the end of September 1994 and no more than 15,000 by the end of October or during November 1994. It had warned that any further reductions should be carefully decided and should take into account evolving circumstances.

The Secretary-General stated that, in the light of the foregoing facts, and after a careful review of the reports submitted to him by his Special Representative and the Special Mission, he had come to the conclusion that the United Nations should continue for a little longer, to give the Somali leaders the opportunity to demonstrate that they were ready to cooperate with the United Nations and with each other in order to bring their country back from the abyss. He accordingly recommended that: (a) UNOSOM II should make every effort to facilitate the convening of a Hawiye conference by the end of September 1994; (b) the Force Commander should take immediate steps to reduce the Force level by 1,500, as had been recommended by the Special Mission, and should thereafter bring it down to 15,000 all ranks as soon as possible; (c) in the light of the progress made towards national reconciliation up to the end of September 1994, he would report to the Security Council, by 15 October 1994 at the latest, on the future of UNOSOM II; (d) the Security Council consider approving, at that time or later, a one-month extension of the UNOSOM II mandate until 31 October 1994, to allow time for study of, and action on, the report he would submit to it by 15 October; and (e) in the interim, contingency plans for the full range of options referred to in subparagraph (c) above should be elaborated and refined.

At its 3418th meeting, on 25 August 1994, the Security Council included in its agenda the report of the Secretary-General of 17 August 1994. Following the adoption of the agenda, the

Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (Russian Federation) then stated that, following consultations among members of the Security Council, he had been authorized to make the following statement⁷⁷ on behalf of the Council:

“The Security Council takes note of the report of the Secretary-General to the Security Council on Somalia and briefings by the Secretariat.

“The Council, appalled by the killing near Baidoa on 22 August of seven Indian soldiers and the wounding of nine more serving with the United Nations Operation in Somalia II, strongly condemns the premeditated attack on United Nations peace-keepers who were providing essential support and assistance to the humanitarian effort of the international community in Somalia carrying out the mandate of the Council. The Council expresses its condolences to the Government of India and the families of the soldiers who made the ultimate sacrifice in assisting the people of Somalia.

“The Council expresses grave concern regarding the deteriorating security situation in Somalia, and deplores attacks and harassment directed against the Operation and other international personnel serving in Somalia.

“The Council considers that a durable political settlement remains an indispensable prerequisite for restoring peace and security, re-establishing central governmental structures and services and commencing the process of rehabilitation and reconstruction of the economic and social fabric in Somalia,

“The Council is gravely concerned by the lack of progress in reconciliation among Somali factions. It is particularly concerned by the fact that the national reconciliation conference, to which the fifteen signatories of the Addis Ababa Agreement had agreed in Nairobi on 24 March 1994 and which was scheduled for 15 May 1994, has not taken place. The Council commends the efforts of the Special Representative of the Secretary-General to reinvigorate the process of national reconciliation, including through the encouragement of local and regional initiatives and conferences. In this regard, it attaches great importance to an accelerated inter-clan reconciliation, in particular among the Hawiye sub-clans, with the involvement of all concerned.

⁷⁷ S/PRST/1994/46.

“The Council stresses that the nature and duration of the international support and resources the international community is committing to Somalia, including the continuing presence of the Operation, depend very much on the resolve of the Somali parties to achieve political compromise.

“The Council reminds the Somali parties that the future of their country lies in their hands and urges them once again to make every effort to advance the process of political reconciliation in Somalia.

“The Council believes that the Secretary-General’s proposed initial reduction of the Operation’s troops is appropriate in the circumstances prevailing in Somalia. It stresses that priority attention should be given to ensuring the safety and security of Operation and other international personnel, including the staff of non-governmental organizations. In this context it underlines the responsibility of the Somali parties for the security and safety of these personnel.

“The Council invites the Secretary-General to submit to the Council well before 30 September 1994 a substantive report on prospects for national reconciliation in Somalia and on the possible options for the future of the Operation.”

Decision of 30 September 1994 (3432nd meeting): resolution 946 (1994)

On 17 September 1994, the Secretary-General submitted to the Council the first part of a report⁷⁸ concerning the situation in Somalia in which he gave a factual account of new developments in the political, security and humanitarian fields.

The Secretary-General stated that, since his last report, his Special Representative had been engaged in intensive consultations with Mr. Ali Mahdi, General Mohamed Farah Aidid and the Imam of Hirab, concerning arrangements for convening the Hawiye peace conference and the national reconciliation conference. The Imam of Hirab had advised his Special Representative that it would be necessary to arrange separate meetings between the Habr Gedir and the other

⁷⁸ S/1994/1068. The second part of the report was subsequently issued on 14 October 1994 as S/1994/1166.
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subclans before proceeding to a plenary session of the Hawiye peace conference. Over the past few weeks, the Iman had held meetings with various subclan leaders. The Secretary-General noted that on the whole, the initiatives of the Iman and other concerned Hawiye clan leaders appeared to have had a salutary effect on the security situation in Mogadishu. He reported that the leaders of the Lower Juba Reconciliation Conference and the Absame Reconciliation Conference had continued to meet in an effort to merge the two peace processes, in order to consolidate peace in both the Lower and the Middle Juba regions. The Chairman of the Somali National Movement (SNN) had met with the other three north-west-based political factions and had issued a joint statement declaring, *inter alia*, that secession of the north was neither feasible nor desirable and that the national reconciliation conference was long overdue and should be convened no later than September 1994. The statement also proposed a federal system of government and conveyed an offer by the four factions to use their good offices to mediate between the factions in the South. In that regard, a joint delegation had been sent on 30 August 1994 to Mogadishu to mediate between the factions of the south. The delegation had also intended to meet with the Imam.

The Secretary-General stated that, subject to the cooperation of all concerned, the efforts of the Somali parties, with the assistance of UNOSOM II, could lead to the convening of a Hawiye peace conference and the preparatory meeting for the National Reconciliation Conference by the end of September 1994. He warned, however, against overlooking the daunting difficulties that had delayed and frustrated past efforts to implement the Addis Ababa and Nairobi agreements.

On the security aspects, the Secretary-General noted that, although the Force would continue to perform the main tasks assigned to it under its mandate, security considerations had already begun to affect the performance of UNOSOM and the Force Commander had therefore decided to concentrate the troops. As a result of the concentration of forces and the reduction process, troops had already been withdrawn from several locations and that process would continue. By the end of October 1994, UNOSOM II would be concentrated mainly in three

locations: Mogadishu, Baidoa and Kismayo. He warned that the Force, while continuing to protect major seaports and airports and escorting humanitarian convoys, would no longer be in a position to provide permanent protection to United Nations agencies and NGOs at the locations that had been vacated.

The Secretary-General stated that by mid-October he expected to be in a position to submit to the Security Council the second part of the report, containing his assessment of the prospects for national reconciliation and recommendations for the future of the United Nations operation in Somalia. He recommended therefore that the Council extend the mandate of UNOSOM II for a period of one month.

At its 3432nd meeting, on 30 September 1994, the Security Council included in its agenda the report of the Secretary-General of 17 September 1994. Following the adoption of the agenda, the Council invited the representative of Somalia, at her request, to participate in the discussion without the right to vote. The President (Spain) drew the attention of the Council members to the text of a draft resolution⁷⁹ submitted by Rwanda and Spain, who were joined as sponsors by France, Nigeria, New Zealand and the United Kingdom.

The draft resolution was then put to the vote and adopted by 14 votes to none, with 1 abstention (the United States), as resolution 946 (1994). The resolution reads as follows:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Recalling also the statement by the President of the Security Council of 25 August 1994,

Having considered the report of the Secretary-General of 17 September 1994,

Deeply concerned by the deteriorating security environment, strongly condemning the attacks and harassment against the United Nations Operation in Somalia II and other international personnel

⁷⁹ S/1994/1119.

serving in Somalia, and underlining the responsibility of the Somali parties for the security and safety of these personnel.

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and for rebuilding their country,

Stressing that the nature and duration of the international support and resources the international community is committing to Somalia, including the continuing presence of the Operation, depend very much on the resolve of the Somali parties to achieve political compromise,

Urging, in this context, the Somali parties to redouble their efforts to advance the process of national reconciliation in Somalia,

Noting the intention of the Secretary-General to submit to the Council by mid-October his assessment of the prospects of national reconciliation and recommendations for the future of the United Nations operation in Somalia,

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for a period of one month expiring on 31 October 1994, prior to which the Council will undertake a thorough examination of the mandate of the Operation with a view to deciding on its future;

2. *Encourages* the Secretary-General to continue with and intensify preparations of contingency arrangements for the implementation of possible decisions, including withdrawal of the Operation within a specified time-frame, which the Council may take;

3. *Declares its readiness* to consider sending a mission of the Council to Somalia at the appropriate time in order to convey directly to the Somali political parties the views of the Council on the situation in Somalia and on the future of the United Nations presence there;

4. *Decides* to remain seized of the matter.

After the vote, the representative of France recalled that his country had previously supported a progressive reduction of UNOSOM forces with a view to the completion of the operation in March 1995 and that it continued to do so, even if it was ready to participate in a debate on the subject. He cautioned that for the Council to terminate a force prematurely would be a serious decision. His country was aware that the lack of progress towards a political solution in Somalia, and the impotence of UNOSOM II, justified a genuine, thorough debate in the Security Council - a debate after which decisions regarding the future of UNOSOM and the maintenance of

the United Nations presence in Somalia should be taken. In any case his country considered that the United Nations should continue, in one way or another, to play a role in Somalia, with a view to consolidating the achievements of UNOSOM, helping to achieve national reconciliation, if that was within the Organization's power, and providing humanitarian assistance and contributing to the reconstruction of the country.⁸⁰

The representative of Oman observed that, unfortunately, the Somali people had not responded positively or shown any desire to solve the problems arising from their differences. He stated that his delegation did not, therefore, see any justification for the continued presence of the United Nations forces in Somalia. He contended that the resolution just adopted showed that the Security Council's patience was running thin and that October would mark a decisive stage in the United Nations Operation in Somalia. Although his delegation would have preferred the resolution to have included a clear reference to the decisive stage through which UNOSOM II was passing, including the possibility of winding up the operation in its entirety, it had nevertheless voted in favour of the resolution just adopted in the belief that it might represent the last chance for the people of Somalia to overcome its plight and solve its problems.⁸¹

The representative of the United States stated that, throughout the current four-month mandate of UNOSOM, there had been two constants: the continuing deterioration of the security situation and the total lack of progress on political reconciliation. While the security environment had been getting worse, the political situation had not improved. She contended that the sole legacy of the preceding four months was “a pile of broken promises” and that her Government would not listen to “another assurance of just one more month, just one more conference”. Her Government could not vote for the draft resolution because it had failed to recognize the necessity of stepping up to the critical task of immediate withdrawal. At the same time, conscious of the need to continue the mandate for the protection of the troops during the withdrawal period, her

⁸⁰ S/PV.3432, pp.2-3.

⁸¹ *Ibid.*, p.3.

Government was not willing to vote against an extension. It was her firm hope and expectation that the Secretary-General would utilize the coming days to complete planning for the withdrawal and would, in his next report, provide the Council with a realistic proposal for an orderly and expeditious withdrawal. She saw no reason why such a report could not be presented in the near future to permit the Council to consider and act on withdrawal well before the end of the one-month extension.⁸²

The President, in his capacity as the representative of Spain, stated that Spain had co-sponsored the resolution as a responsible member of the Council which considered that a decision that affected the future of any United Nations peace-keeping operation, and particularly an operation of that importance, could not be made precipitously and in the absence of all the necessary criteria. The contents of the resolution sent a clear message to the Somali factions that the international community's patience was coming to an end.⁸³

Decision of 21 October 1994: note by the President of the Security Council

By a note⁸⁴ dated 21 October 1994 the President announced that, at consultations of the whole held on 20 October, the members of the Council had decided to send a mission to Somalia. The members of the Council had agreed that the mission departing for Somalia on 24 October 1994 was to be composed of the following seven members of the Council: China, France, New Zealand, Nigeria, Pakistan, the Russian Federation and the United States.

Decision of 31 October 1994 (3446th meeting): resolution 953 (1994)

⁸² *Ibid.*, pp.3-4.

⁸³ *Ibid.*, pp.4-5.

⁸⁴ S/1994/1194.

On 14 October 1994, the Secretary-General submitted to the Council the second part of his report⁸⁵ concerning the situation in Somalia which drew upon the results of the visit to Somalia of the Under-Secretary-General for peace-keeping operations.

The Under-Secretary-General had reported to the Secretary-General that he had found the Somali leaders quite keen to establish a transitional government to fill the political vacuum that had existed for so long in Somalia. They expected the National Reconciliation Conference to appoint such a government and to examine proposals relating to the establishment of a federal system of government. At that time, they expected to convene before the end of September the long-delayed preparatory meeting for the National Reconciliation Conference, to be followed by the National Reconciliation Conference in early October 1994. General Aidid, the leader of SNA, had informed the Under-Secretary-General that the new view of SNA was that there was a sufficient basis to proceed directly to the convening of such meetings, meaning that it was unnecessary to convene the Hawiye Reconciliation Conference. That view was not shared, however, by other leaders of the Hawiye subclans. The Secretary-General noted that, given the hopes placed in the Hawiye Reconciliation Conference, the proposal to bypass it would seem to be a negative development.

The Secretary-General noted that the protracted political impasse in Somalia had created a vacuum of civil authority and of governmental structure, leaving the United Nations with no function to build on in its efforts to help Somalia emerge from its chaotic condition. The presence of UNOSOM II troops had had limited impact on the peace process and on security. If the Council were to maintain its decision to end the mission in March 1995, then he would recommend its extension until 31 March 1995, in order for the withdrawal to take place in a secure, orderly and expeditious manner.

⁸⁵ S/1994/1166. The first part of the Secretary-General's overall report on the matter had been issued on 17 September 1994 as S/1994/1068.
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The Secretary-General stated, however, that it should not be assumed that there would be no progress in the process of national reconciliation. On the contrary, he had instructed his Special Representative that, during the new mandate period, he should maintain his efforts to help the Somali leaders achieve national reconciliation, at least to the extent of agreeing to establish a transitional government. He noted that, in the event that progress could be made in that direction, he would not hesitate to revert to the Security Council with recommendations for the continuation of some United Nations presence in Somalia beyond March 1995, if that was justified by the overriding objective of restoring effective government.

The Secretary-General concluded by reiterating that the establishment of a viable and acceptable peace could only come from the Somalis themselves. The international community could not impose peace, it could only assist. Therefore, reaffirmation of the Council's decision that the UNOSOM II mandate should end in March 1995 would not mean United Nations abandonment of Somalia.

At its 3446th meeting, on 31 October 1994, the Security Council included in its agenda the report of the Secretary-General of 14 October 1994. Following the adoption of the agenda, the President (the United Kingdom) drew the attention of the Council members to the text of a draft resolution⁸⁶ that had been prepared in the course of the Council's prior consultations.

The draft resolution was then put to the vote and was adopted unanimously as resolution 953 (1994). The resolution reads as follows:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Recalling also its resolution 946 (1994) of 30 September 1994, in which it, *inter alia*, declared its readiness to consider sending a mission of the Council to Somalia at the appropriate time in order to

⁸⁶ S/1994/1222.

convey directly to the Somali political parties the views of the Council on the situation in Somalia and on the future of the United Nations presence there,

Having considered the report of the Secretary-General of 14 October 1994,

Having decided, at the consultations held on 20 October 1994, to send a mission to Somalia, and convinced that it should consider the report of this mission before completing its review of the mandate of the United Nations Operation in Somalia II and deciding on its future,

1. Decides to extend the mandate of the United Nations Operation in Somalia II for an interim period expiring on 4 November 1994;
2. *Decides* to remain actively seized of the matter.

Decision of 4 November 1994 (3447th meeting): resolution 954 (1994)

By a letter⁸⁷ dated 3 November 1994 addressed to the President of the Security Council, the members of the Security Council's mission to Somalia transmitted a report of their visit to Somalia, which took place on 26 and 27 October 1994. The report was submitted to the Council in accordance with a decision taken by the Council during informal consultations on 20 October 1994. The mission had met with Somali faction leaders, representatives of the Horn of Africa countries, United Nations agencies and NGOs. During those meetings it had been made clear to the Somali leaders that only a genuinely inclusive approach to political reconciliation was likely to lead to a secure environment, and that the legitimacy of any unilaterally declared governments would therefore be doubtful. It had also conveyed to all interested parties the message that the Council did not intend to abandon Somalia. The humanitarian organizations and NGOs had also confirmed their intention to continue to operate in Somalia if security conditions permitted.

Although the Somali factions had received the Council's message with a surprising degree of acceptance, the mission cautioned that everything it had seen had left it with a profound sense of unease and a fear that, whether or not UNOSOM left, it was far from certain

⁸⁷ S/1994/1245.

that political reconciliation would eventuate or that a Government that enjoyed widespread acceptance would emerge. It warned that the risk of a return to civil war was real and recommended that the Security Council should continue to receive reports and monitor the situation in Somalia, even after the withdrawal of UNOSOM. Since neither the Somali factions nor the humanitarian organizations or NGOs had requested a longer extension, the mission recommended 31 March 1995 as the appropriate date to end the mandate of UNOSOM II.

At its 3447th meeting, on 4 November 1994, the Security Council included in its agenda the reports⁸⁸ of the Secretary-General concerning the situation in Somalia of 17 September 1994 and 14 October 1994. Following the adoption of the agenda, the Council invited the representatives of Kenya and Somalia, at their request, to participate in the discussion without the right to vote. The President (United States) then drew the attention of the Council members to the text of a draft resolution⁸⁹ that had been prepared in the course of the Council's prior consultations.

The representative of Kenya claimed that the reports of the Secretary-General had not given sufficient attention to the regional dimension of the Somali conflict. He pointed out that the neighbouring countries, including his own, had shouldered the heavy burden arising out of the Somali conflict. His Government wanted the Council to give that concern adequate consideration as it discussed the future of UNOSOM. He noted that, at the peak of the crisis in Somalia, neighbouring countries had hosted at least 2 million Somali refugees, and that his country alone had hosted about 750,000 of those refugees. Along with the influx of refugees, there had also been widespread infiltration of armed bandits and dangerous weapons into the neighbouring countries, resulting in serious destabilization of the border region. Since 1992, Kenya had lost about 1,000 of its civilian population and 87 members of its security personnel. The loss of

⁸⁸ S/1994/1068, S/1994/1166. The report of the Secretary-General was submitted in two parts. The first part of the report (S/1994/1068) was issued on 17 September 1994 and the second part (S/1994/1166) was issued on 14 October 1994. For discussion of the first part of the report, see the summary of the decision of 30 September 1994. For discussion of the second part of the report, see the summary of the decision of 31 October 1994.

⁸⁹ S/1994/1242.

livestock and property had also been extensive. That clearly underscored the regional dimension of the Somali conflict as a serious threat to Kenya's security and to the economic system in the border region. Kenya requested that the Council assist in the establishment of a border-monitoring system to reduce the insecurity and tension that threatened the border region. His country also appealed to the Council to authorize a special mission to assess the regional dimension of the Somalia problem before it took a definitive decision on the future of UNOSOM. He stated further that, while the Somali leaders were squarely responsible for the continued interfactional fighting and the destruction of the Somali State, the international community had the responsibility to persevere in the search for a peaceful solution in Somalia, as it was doing in other conflicts elsewhere in the world. Two of the principal missions of the United Nations, namely the maintenance of international peace and security and responding to humanitarian concerns, had yet to be accomplished in the case of Somalia. The Council had to take all necessary precautions and safeguards to ensure that there was no escalation of the conflict after UNOSOM's departure. He maintained that waiting a little longer in order to allow the establishment of a central authority in Somalia appeared the most logical way forward, and warned that any escalation of the conflict after the departure of UNOSOM would jeopardize humanitarian and rehabilitation efforts and trigger new waves of refugees, which the neighbouring countries could not cope with. Increased banditry in the border region could also lead to more serious regional conflicts.⁹⁰

Before the vote, the representative of New Zealand stated that his country believed very strongly that the United Nations was right to respond to the crisis in Somalia in the way that it had. Intervention under Chapter VII had been necessary and appropriate because of the humanitarian tragedy and the threat to the security of neighbouring countries. Moreover, his country was particularly sensitive to, and supportive of, requests that the collective security mechanisms of the United Nations be equally available for the benefit of the small and underprivileged, as they were for the larger and more powerful. Referring to the Security Council

⁹⁰ S/PV.3447, pp. 2-4.

mission, he stated that it had played an important part in restoring the consensus in the Council. It had established that UNOSOM had achieved all it could achieve in Somalia. Neither the Somali people nor the providers of humanitarian assistance had requested that it be extended beyond March of the following year. He contended that the United Nations was not going to abandon Somalia. His delegation had therefore urged that the draft resolution also had to address the future and was very pleased that it did so. He noted that, after the withdrawal of UNOSOM, much of the responsibility would shift away from the Security Council. His country considered, however, that because of the extraordinary situation in Somalia and because of the responsibilities that the Security Council had assumed for the previous two years, those responsibilities would not cease. That was why his delegation had proposed, as was reflected in operative paragraph 13 of the draft resolution, that the situation should continue to be monitored closely. The security situation, humanitarian relief requirements, the situation of the humanitarian workers, the impacts on neighbouring countries, all needed to be the subject of ongoing vigilance. He also noted that, in the draft resolution, the Council asked the Secretary-General, in the light of developments, not only to keep the Security Council informed, but also to reflect creatively about the role the United Nations could continue to play. He further noted that the draft resolution insisted that the arms embargo had to be respected, and he called on all concerned to shoulder their responsibilities in that regard. ⁹¹

The representative of Oman stated that the draft resolution reflected the fact that the international community had exhausted every possible means to put an end to the crisis and thus had decided to withdraw the military units from Somalia before the end of March 1995, without having fully achieved many of its objectives. It also reflected the failure of the Somali people to benefit from the efforts of the international community and to achieve political progress and pave the way to national reconciliation and the formation of a new Government to fill the political vacuum and, later, to restore peace and security in Somalia. His delegation was very much encouraged, however, to note that there would be a continuation of the humanitarian relief

⁹¹ *Ibid.*, pp.4-7.

assistance, even after the withdrawal of the military units, and that, at the same time, the Secretary-General, through his good offices, would continue to sustain a facilitating or mediating political role in Somalia.⁹²

The representative of Nigeria stated that the draft resolution, through which the Council would decide to terminate the mandate of UNOSOM II by the end of March 1995, was a hard but realistic conclusion. He observed that, as the Secretary-General had indicated in his report, the establishment of a viable and acceptable peace could come only from the Somalis themselves; it could not be imposed by the international community. However, the draft resolution recognized that the international community had a continuing role and responsibility in facilitating the political process in Somalia, leading to the establishment of a viable administration for the benefit of the Somali people. His delegation strongly believed that the withdrawal of the military component of UNOSOM II should not mean the abandoning of Somalia by the United Nations. It welcomed the provision in the draft resolution to the effect that, should the Somali authorities succeed in creating and maintaining favourable security conditions in Somalia, the United Nations and the international community stood ready to continue to play a positive role in both the rehabilitation and the reconstruction of the country, thus consolidating the achievements of both UNOSOM I and UNOSOM II. He also noted that the draft resolution gave an assurance that, in the post-UNOSOM II period, the United Nations would be able to retain a presence in Somalia that would be beneficial to the Somali people. His delegation hoped that the next report of the Secretary-General would be able to make concrete suggestions concerning the future role of the United Nations and would take due account of the need for continuing political and humanitarian assistance to Somalia. Finally, he echoed the concern expressed by Kenya that the security and refugee situations that had developed as a result of the continuing Somali crisis should not have further negative effects on the fragile economies of the neighbouring countries. He urged the international community to take positive steps to solve that problem.⁹³

⁹² *Ibid.*, p.7.

⁹³ *Ibid.*, pp.8-9.

The draft resolution was then put to the vote and was adopted unanimously as resolution 954 (1994). The resolution reads as follows:

The Security Council,

Recalling its resolution 733 (1992) of 23 January 1992 and all other relevant resolutions,

Noting with appreciation the work of the Security Council's mission in transmitting directly to Somalia's political parties the views of the Council on the situation in Somalia and on the future of the United Nations in that country,

Having considered the reports of the Secretary-General of 17 September 1994 and 14 October 1994 and the oral report of the Security Council's mission to Somalia given on 31 October 1994,

Paying tribute to the thousands of personnel of the United Nations Operation in Somalia and the Unified Task Force, as well as to humanitarian relief personnel who have served in Somalia, and honouring, in particular, those who have sacrificed their lives in this service,

Noting that hundreds of thousands of human lives have been rescued from famine in Somalia through the efforts of the United Nations and the international community,

Commending the efforts of the special representatives of the Secretary-General to bring Somali factions together in national reconciliation,

Reaffirming that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and bringing peace to Somalia,

Convinced that only a genuinely inclusive approach to political reconciliation would provide for a lasting political settlement and re-emergence of a civil society in Somalia,

Recalling that the date already foreseen for termination of the current United Nations Operation in Somalia is the end of March 1995,

Recognizing that the lack of progress in the Somali peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, has fundamentally undermined the United Nations objectives in Somalia and, in these circumstances, continuation of the Operation beyond March 1995 cannot be justified,

Recognizing further that termination of the mandate of the Operation by the end of March 1995 implies a secure and orderly phasing out of its military component in advance of that date,

Noting the assurances of cooperation and non-interference with such withdrawal received from all Somali parties during the Council's mission to Somalia,

Re-emphasizing the importance the Council attaches to the safety and security of United Nations and other personnel engaged in humanitarian relief and peace-keeping in Somalia,

Underlining particularly in this context the overriding need for all possible measures and precautions to be taken to ensure that the Operation does not suffer any casualties in the process of withdrawal,

Emphasizing its willingness to encourage the Secretary-General to sustain a facilitating or mediating political role for Somalia beyond March 1995 if that is what the Somalis want and if the Somali parties are willing to cooperate with the United Nations,

Concerned that the United Nations should continue to work with regional organizations, in particular the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference, and with the Governments of neighbouring countries to promote reconciliation in Somalia and the re-emergence of a civil society there,

Recognizing also the impact that the situation in Somalia has had on neighbouring countries including, in particular, flows of refugees,

Noting that the United Nations will do its best to sustain humanitarian activities in Somalia and to encourage non-governmental organizations to do likewise, but that their ability to do so will depend almost entirely on the degree of cooperation and security offered by Somali parties,

Confident of the willingness of the United Nations to remain ready to provide through its various agencies rehabilitation and reconstruction assistance, including assistance to the police and judiciary to the extent that the situation in Somalia develops in such a way as to make that practicable,

Noting further the interest of humanitarian agencies and non-governmental organizations in cooperating with the United Nations after the withdrawal of the Operation in transitional arrangements for mutual assistance,

Determining that the situation in Somalia continues to threaten peace and security, and having regard to the exceptional circumstances including, in particular, the absence of a government in Somalia, and acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for a final period until 31 March 1995;

2. *Affirms* that the primary purpose of the Operation until its termination is to facilitate political reconciliation in Somalia;
3. *Welcomes* the intention of the Secretary-General, expressed in paragraph 23 of his report of 14 October 1994, to continue throughout the period of the mandate of the Operation, and even afterwards, the efforts of his Special Representative to help the Somali parties achieve national reconciliation,
4. *Urges* all Somali factions to negotiate as soon as possible an effective cease-fire and the formation of a transitional Government of national unity;
5. *Decides* that every effort should be made to withdraw all the Operation's military forces and assets from Somalia in a secure and orderly manner as soon as possible, as described in the report of the Secretary-General of 14 October 1994, before the expiry date of the current mandate of the Operation and without compromising on the paramount need of ensuring the safety of Operation personnel,
6. *Authorizes* the military forces of the Operation to take those actions necessary to protect its mission and the withdrawal of its personnel and assets, and, to the extent that the Force Commander deems it practicable and consistent, in the context of withdrawal, to protect personnel of relief organizations;
7. *Emphasizes* the responsibility of the Somali parties for the security and safety of Operation and other personnel engaged in humanitarian activities, and in this context strongly demands that all parties in Somalia refrain from any acts of intimidation or violence against such personnel;
8. *Requests* Member States to provide assistance in the withdrawal of all the Operation's military forces and assets, including vehicles, weapons and other equipment;
9. *Requests* that the Secretary-General keep the Council informed about the progress of the withdrawal process;
10. *Invites* the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference to continue their efforts in cooperation with the United Nations in the search for lasting peace in Somalia;
11. *Calls upon* all Member States, in particular the neighbouring States, to continue to provide support for all Somali efforts towards genuine peace and national reconciliation and to refrain from any action capable of exacerbating the conflict situation in Somalia;

12. *Reiterates* the need for the observance and strict monitoring of the general and complete embargo on all deliveries of weapons and military equipment to Somalia, as decided in paragraph 5 of resolution 733 (1992), and in this regard requests the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia to fulfil its mandate as described in paragraph 11 of that resolution, in particular to seek the cooperation of neighbouring States for the effective implementation of the embargo;

13. *Further requests* the Secretary-General to continue to monitor the situation in Somalia and to the extent possible to keep the Security Council informed in particular about developments affecting the humanitarian situation, the security situation for humanitarian personnel in Somalia, repatriation of refugees and the impact on neighbouring countries, and to report to the Council before 31 March 1995 on the situation in Somalia and submit suggestions concerning the role that the United Nations could play in Somalia beyond that date;

14. *Decides* to remain actively seized of the matter.

After the vote, the representative of France stated that the United Nations was not responsible for the failure of attempts to achieve national reconciliation, and observed that certain Somali factions, which had consistently refused to cooperate with the Special Representative of the Secretary-General and the United Nations Operation in Somalia to find a peaceful solution, bore the responsibility for what might subsequently happen in Somalia. His delegation had received alarming information about an inflow of weapons and military equipment into Somalia. As a result of the fear that the departure of the “blue helmets” might be accompanied by an explosion of violence, his delegation had wanted the Council to issue a strong reminder that it had decreed a military embargo at the beginning of 1992 and that that embargo must be fully applied. He urged that the sanctions Committee set up to that end had to fulfill the mandate entrusted to it by resolution 751 (1992). The speaker pointed out that in five months time the “blue helmets” would be fully withdrawn. Therefore that period must be used to keep trying to reach agreement between the factions. His delegation was pleased that the Secretary-General had asked his Special Representative to continue his efforts. He also stressed that the countries of the region

and regional organizations in contact with Somalia had a crucial role to play in the settlement of the Somali crisis.⁹⁴

The representative of Pakistan stated that, in the absence of progress in the Somali reconciliation process, coupled with the lack of sufficient cooperation from the Somali parties concerned as well as the continuously precarious security situation in that country, it had become very difficult to justify the presence of UNOSOM II in Somalia beyond the period foreseen in Security Council resolutions 865 (1993), 897 (1993) and 923 (1994). He stated that his delegation therefore fully agreed with the decision of the Council to extend the mandate of UNOSOM II for a final period up to 31 March 1995 and noted that, in the interim, every effort should be made to withdraw all UNOSOM II military forces and assets from Somalia in a secure and orderly manner. He emphasized, however, that the withdrawal of the military component of UNOSOM II should not be seen as a decision by the Council to abandon Somalia. He noted that, under the resolution, the Council had welcomed the intention of the Secretary-General to continue the efforts of his Special Representative to help the Somali parties achieve national reconciliation and had requested the Secretary-General to continue to monitor the situation in Somalia, to report to the Security Council in that regard before 31 March 1995, and also to submit suggestions concerning the role that the United Nations could play in Somalia beyond that date.⁹⁵

The representative of China argued that, after UNOSOM II had left Somalia, the international community and the United Nations should continue to care about the Somali people. He contended that the United Nations should not only continue, but should also strengthen, its efforts of peaceful mediation, and international humanitarian assistance. He stated that the international community had come to realize that the key to a lasting settlement in Somalia lay with the Somali people themselves and that the solution was to be found in broad-based national reconciliation, which could not be achieved by resort to military means. His delegation hoped

⁹⁴ *Ibid.*, p.10.

⁹⁵ *Ibid.*, pp.10-12.

that neighbouring States and regional organizations would continue to help the Somali people achieve an early national reconciliation, thus contributing to peace and stability in the region.⁹⁶

The representative of the United Kingdom stated that the resolution just adopted had implications not only for Somalia, but also for other countries of the region. He referred to the potential for regional instability if fighting broke out again in Somalia and stated that, for the sake of people in neighbouring countries and of the people of Somalia, neither the United Nations and the international community, nor the regional organizations most directly concerned, nor the neighbouring countries, could afford to turn their backs on the problem. He maintained that the resolution did not imply that the United Nations as a whole had decided to abandon Somalia. The Security Council would continue to monitor the situation, and stood willing to encourage the Secretary-General to sustain a facilitating or mediating political presence in Somalia beyond March 1995. He believed that the United Nations agencies and non-governmental organizations also had a continuing role to play in Somalia, but cautioned that their ability to provide assistance, both humanitarian and rehabilitation, or reconstruction assistance, would depend on the degree of cooperation and security offered by the Somali parties.⁹⁷

The representative of Brazil contended that the Security Council had taken too long to realize that, against the backdrop of an extremely complex political situation, it could not bring peace to Somalia. He argued that too much had been done and too many lives had been spent, with glaringly scarce results, in the attempt to create an environment conducive to the attainment of a peace settlement and lasting political stability. His delegation had voted in favour of the resolution just adopted because it provided the necessary framework for the role of the personnel of UNOSOM II and for the continuation of a United Nations presence in Somalia. He stated that the United Nations should do its utmost to continue to support the political process and all efforts

⁹⁶ *Ibid.*, p.12.

⁹⁷ *Ibid.*, pp. 14-15.

that could lead to an effective cease-fire and to the formation of a transitional Government of national unity.⁹⁸

The representative of the Russian Federation stated that his delegation had voted in favour of the resolution in the belief that it sent a clear signal to the leaders of the Somali factions that the international community could not keep waiting and providing major resources for much longer in circumstances in which the Somali parties were not ready to turn away from confrontation towards national reconciliation and the creation of civil society in their country. He referred to the appeal in the resolution just adopted to the OAU, the LAS and the OIC to continue to cooperate with the United Nations in the search for lasting peace in Somalia, as well as to the call on Member States – in particular the neighbouring States – to continue to provide support for the Somali efforts towards genuine peace and to refrain from any action capable of exacerbating the conflict situation in the country. He also noted that, in that context, the Security Council had issued a pertinent reminder regarding the need for strict observance of the arms embargo imposed on Somalia.⁹⁹

Decision of 7 December 1994: letter from the President to the Secretary-General

By a letter¹⁰⁰ dated 10 November 1994 addressed to the President of the Council, the Secretary-General called the attention of the Council to the statement of the Inter-Agency Standing Committee on Somalia (IASCS). The statement reflected, *inter alia*, the conclusions of a special meeting that had been convened at Nairobi on 24 and 25 October 1994, with the participation of representatives of United Nations organizations, intergovernmental and non-governmental organizations active in humanitarian assistance operations, to review the future of humanitarian operations in Somalia following the termination of the mandate of UNOSOM II.

⁹⁸ *Ibid.*, pp.15-16.

⁹⁹ *Ibid.*, pp. 17-18.

¹⁰⁰ S/1994/1392.

By a letter¹⁰¹ dated 7 December 1994, the President informed the Secretary-General as follows:

“ I have the honour to inform you that your letter of 10 November 1994 concerning the Inter-Agency Standing Committee on Somalia has been brought to the attention of the members of the Council. They take note of the information contained therein.

“ The Council continues to believe that the United Nations should do its utmost to sustain humanitarian activities in Somalia. The Council therefore welcomes the statement by the members of the Inter-Agency Standing Committee reconfirming their commitment to continue to the maximum extent possible emergency and rehabilitation activities even beyond the expiry of the mandate of the United Nations Operation in Somalia and their agreement to adopt a common and coordinated approach to such activities.

“ The Council has consistently recognized that the cooperation of the Somalis on security issues is critical to the continuation of humanitarian activities and agrees fully with the conclusion of the Inter-Agency Standing Committee that the Somali people bear responsibility for ensuring conditions which will permit the effective implementation of humanitarian, rehabilitation and development programmes.

“ In this context the members of the Council recall their willingness to encourage you to play a facilitating or mediating political role in respect of Somalia after March 1995 if that it was the Somalis want and if the Somali parties are willing to cooperate with the United Nations. They also note that, in its resolution 954 (1994) of 4 November 1994, the Council requested you to continue to monitor the situation in Somalia and the security situation for humanitarian personnel in Somalia and they look forward to receiving your report at an appropriate time”.

Decision of 6 April 1995 (3513rd meeting): statement by the President

On 28 March 1995, pursuant to resolution 954 (1994) of 4 November 1994, the Secretary-General submitted to the Council a report¹⁰² on the situation in Somalia in which he

¹⁰¹ S/1994/1393.

reported on the new developments that had taken place since his last report and presented some thoughts on the role the United Nations could play beyond 31 March 1995.

The Secretary-General reported that significant political developments had taken place during the last two weeks of UNOSOM II's withdrawal. Four agreements had been signed by General Aidid and Mr. Ali Mahdi, on behalf of the SNA and the SSA, respectively. Under the first agreement, which was signed on 21 February 1995, the two sides, *inter alia*: accepted the principle of power-sharing; pledged not to seek the presidency through military means but through democratic elections; and agreed to the resolution of disputes through dialogue and peaceful means and on a common platform for tackling problems. The second agreement, signed on 23 February 1995, provided for the establishment of two joint committees to manage the operations of the Mogadishu airport and seaport. The re-opening of the seaport had resulted from the signing of a third agreement, on 5 March 1995, and on 8 March 1995 the two leaders had initialed a fourth agreement to establish a security committee comprising militia and police officers from both sides. The Secretary-General noted that the signing of the agreements had had a salutary effect on the political process as a whole, with both the SNA and the SSA emphasizing that there would be no war between them. His Special Representative had reported to him that, on the basis of the agreements reached, the SNA and the SSA militias were collaborating in providing security at the Mogadishu airport and seaport, in collaboration with the Somali police force. As a result, the situation in Mogadishu had improved, and it was understood that both sides had settled down to serious discussions on the convening of a broad-based national reconciliation conference, as advocated by his Special Representative. The Secretary-General stated that he was encouraged by the fact that the withdrawal of UNOSOM II had coincided with the signing of those agreements. Those indications of a possible *rapprochement* between the two sides might justify the hope that the Somali leaders would find the strength and the courage to pursue a more productive peace process in the coming weeks.

¹⁰² S/1995/231.

The Secretary-General recalled that on numerous occasions he had stated that the withdrawal of UNOSOM II did not mean that the United Nations was abandoning Somalia. He noted that the United Nations agencies and organizations, as well as NGOs, had voiced their determination to continue humanitarian operations in Somalia. Their focus in the post-UNOSOM II era would be on rehabilitation, recovery and reconstruction, without prejudice to emergency relief where that was necessary. He noted, however, that the fulfillment of that objective would depend primarily on the willingness of the Somali people to cooperate effectively and reliably with the agencies and NGOs. He stated that he would continue to make available his good offices to assist the Somali factions to arrive at a political settlement, maintaining a political presence in the area for that purpose. He observed that the size and mandate of that presence would depend on whether the Somali factions wanted the United Nations to play a facilitating or mediating role, and on whether they were ready to cooperate with it. He recommended that its location should be in Mogadishu, but he noted that it would depend on security considerations. He further noted that it had been because of the lack of security in Mogadishu that he had directed his Special Representative to move temporarily to Nairobi at the end of February, but that it remained his intention to re-establish a United Nations political presence in Mogadishu as soon as practicable. For the time being, he had instructed his Special Representative to remain in Nairobi in order to monitor the situation in Somalia and coordinate United Nations humanitarian activities there. He indicated that he expected to be in a position to take decisions about the level and mandate of the United Nations political presence in Mogadishu by mid-April 1995, at which time he would report his intentions to the Security Council.

The Secretary-General noted that the report itself marked a point of transition in the efforts of the United Nations to succour a people and a country caught in the throes of famine, civil war and the collapse of all institutions of government. He stated that it had been a difficult mission that had not attained all the objectives that the Security Council had set for it, but he contended, nevertheless, that the United Nations Operation in Somalia could claim major accomplishments, especially when one recalled that in late 1992, 3,000 men, women and

children were dying daily of starvation and that that tragedy had been ended by the international relief effort. He observed that, as far as national reconciliation was concerned, the international community, through the efforts of UNITAF and UNOSOM I and II, had striven to create an environment conducive to the Somali leaders to achieve that goal.

The Secretary-General observed that the experience of UNOSOM II had thus confirmed the validity of the point that the Security Council had consistently stressed in its resolutions on Somalia, namely that the responsibility for political compromise and national reconciliation must be borne by the leaders and people concerned. He further observed that there were important lessons to be learned about the theory and practice of multifunctional peace-keeping operations in conditions of civil war and chaos, and especially about the “clear line” that needed to be drawn between peace-keeping and enforcement action. The world had changed and so had the nature of the conflict situations that the United Nations was being asked to deal with. The Secretary-General contended that there was a need for careful and creative rethinking about peacemaking, peace-keeping and peace-building in the context of the Somali operation, and he noted that some of his initial conclusions were to be found in his position paper, the “Supplement to an Agenda for Peace”¹⁰³.

At its 3513rd meeting, on 6 April 1995, the Security Council included in its agenda the report of the Secretary-General of 28 March 1995. Following the adoption of the agenda, the President of the Council (Czech Republic) stated that, following consultations among members of the Security Council, he had been authorized to make the following statement¹⁰⁴ on behalf of the Council:

“The Security Council has considered carefully the report of the Secretary-General of 28 March 1995 on the situation in Somalia and notes the successful conclusion of the withdrawal from Somalia of the forces of the United Nations Operation in Somalia II. It expresses its appreciation to those

¹⁰³ S/1995/1.

¹⁰⁴ S/PRST/1995/15.

Governments and agencies which have provided the personnel, humanitarian assistance and other support to the peace-keeping operation in Somalia, including those Governments that participated in the multinational operation for the withdrawal of the United Nations Operation in Somalia II. It pays tribute in particular to all personnel who sacrificed their lives in this service.

“The Council underlines the fact that the timely intervention of the United Nations Operation in Somalia II and the humanitarian assistance given to Somalia helped to save many lives and much property, mitigate general suffering and contributed to the search for peace in Somalia. The Council notes that, over the past three years, the United Nations and the international community have made significant efforts to restore peace and stability and facilitate the re-emergence of a civil society. However, the continuing lack of progress in the peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, undermined the United Nations objectives in Somalia and prevented the continuation of the mandate of the United Nations Operation in Somalia II beyond 31 March 1995.

“The Council believes that the Somalia operation provides important lessons for the theory and practice of peacemaking, peacekeeping and peace-building.

“The Council remains convinced that only a genuinely representative and broad-based approach to reconciliation will bring about a lasting political settlement and allow for the re-emergence of a civil society in Somalia. The Council reaffirms, based on its experience in the United Nations Operation in Somalia II, that the people of Somalia bear the ultimate responsibility for achieving national reconciliation and restoring peace to Somalia. The international community can only facilitate, encourage and assist the process, but not try to impose any particular solution on it. The Council, therefore, calls upon the Somali parties to pursue national reconciliation, rehabilitation and reconstruction in the interest of peace, security and development.

“The Council notes the recent agreements reached between the factions in Mogadishu, especially on the control of sea and airport facilities. It expresses the hope that this encouraging development is indicative of a new spirit of cooperation among the factions and that it will lead to further progress in the search for a lasting peace in Somalia.

“The Council supports the view of the Secretary-General that Somalia should not be abandoned by the United Nations, which will continue to assist the Somali people to achieve a political settlement and to provide humanitarian and other support services provided that the Somalis themselves demonstrate a disposition to peaceful resolution of the conflict and to cooperation with the international community. It

welcomes the Secretary-General's intention to continue a small political mission, should the Somali parties so wish, to assist them in coming together in national reconciliation and looks forward to the report which the Secretary-General has indicated he will forward on this matter. The Council urges close cooperation between the United Nations and regional organizations, in particular the Organization of African Unity, the League of Arab States, the Organization of the Islamic Conference, as well as the Governments of neighbouring countries in these efforts. The Council considers it essential that the Somali parties clearly express their acceptance of such assistance and their willingness to cooperate with the United Nations.

“The Council recognizes that humanitarian assistance in Somalia is an important element in the effort to restore peace and security in the country. It is therefore important to sustain United Nations humanitarian activities in Somalia and to encourage non-governmental organizations to do likewise. However, their ability to do so will depend on the degree of cooperation and security offered by the Somali parties. The Council welcomes the willingness expressed by the international humanitarian agencies and non-governmental organizations to continue to provide rehabilitation and reconstruction assistance in areas where security is guaranteed by the Somalis. The Council stresses that the creation of a long-lasting, stable and secure environment throughout the country is vital for the resumption of large-scale activity in these fields.

“The Council reaffirms the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992), and calls on States, especially neighbouring States, to refrain from actions capable of exacerbating the conflict in Somalia.

“The Council requests the Secretary-General to continue to monitor the situation in Somalia and to keep it informed about further developments. The Council will remain seized of the matter.”

Decision of 21 April 1995: letter from the President to the Secretary-General

By a letter¹⁰⁵ dated 18 April 1995 addressed to the President of the Council, the Secretary-General informed the Council that, with regard to a continued United Nations political presence in Mogadishu, he had decided to establish a small political office to monitor the situation in Somalia and keep contact with the parties concerned. In his view, the retention of a full-time Special Representative on the situation in Somalia could not be justified at that time, in view of the limited possibilities for United Nations political efforts related to Somalia. The office would operate temporarily from Nairobi, but would be relocated to Mogadishu as soon as circumstances permitted.

By a letter¹⁰⁶ dated 21 April 1995, the President informed the Secretary-General that his letter had been brought to the attention of the members of the Council and that they had welcomed his decision contained therein.

Decision of 2 June 1995: letter from the President to the Secretary-General

By a letter¹⁰⁷ dated 31 May 1995 addressed to the President of the Council, the Secretary-General informed the Council that, due to the circumstances prevailing in Somalia, he had decided that the political office for Somalia would continue to operate out of Nairobi. He had further decided to reduce the staff of that office.

¹⁰⁵ S/1995/322.

¹⁰⁶ S/1995/323.

¹⁰⁷ S/1995/451.

By a letter¹⁰⁸ dated 2 June 1995, the President informed the Secretary-General that his letter had been brought to the attention of the members of the Council and that they had agreed with the decision contained therein.

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¹⁰⁸ S/1995/452.