Did the United Nations Fight a Just War?: Ethics in the UN Peace-Enforcement Activities in Somalia

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ABSTRACT
The United Nations' military operation initiated on June 12, 1993 in Somalia has considerable moral implications. Examination of this first "peace-enforcement" operation with three guidelines of the just war doctrine, (1) proportionality of the goals to use force and the means and costs to achieve them, (2) just cause of war, and (3) warring actors' legitimacy to use force, indicates that this UN action is not justifiable. The ethically optimal alternative to this military operation would have been non-military action, no matter how ineffective it could have been. This moral analysis concludes with two lessons for the future of UN peacekeeping efforts. First, the UN's capability of national reconstruction is ultimately limited to non-coercive assistance of local communities' voluntary effort. Second, the UN is not able to justifiably use force beyond self-defense at this point of history.
I. INTRODUCTION

*Shisheeye shiilo duxa ma leh.* (Expect no mercy from outsiders.)

This traditional saying in Somalia may have already predicted the difficulties of the United Nations' activities in Somalia before it intervened in this civil war. From the Somalis' view, the UN, as their "outsider," may not be seen as a savior who brings "mercy" to Somalia.

This paper examines ethical problems involved in the UN air and ground attacks initiated on June 12, 1993, in Mogadishu, Somalia. Although its main scope is not the entire UN intervention, relevant incidents before and after the operation are also considered where appropriate.

The importance of this event can not be overstated. The UN recognized this attack as its initial action of "peace-enforcement," which the UN Secretary General Butros Butros-Ghali first suggested in June 1992. "An Agenda for Peace," his report to the General Assembly and the Security Council, states that the existing UN peacekeeping units "have to be more heavily armed" to restore a breached cease-fire. If this new type of UN operation is not tested through in-depth examinations at this early stage, an arbitrary accumulation of similar cases might occur without any ethical restrictions. In view of this historical turning point of UN peacekeeping operations, this article provides clear ethical guidelines by which to judge the first "peace-enforcement" operation.

The paper consists of five parts. First, it describes the recent events in Somalia, including the social conditions of the civil war, the profiles of warring factions, and UN attempts to cope with the conflict. Second, it provides three criteria of the just war doctrine (outlined below) for an ethical assessment of the UN military operation. Third, some alternative actions that the UN could have taken instead of the air and ground attacks are discussed. Fourth, based on the aforementioned ethical guidelines, it assesses the optimal alternative action. The final section presents suggestions for future UN peacekeeping activities.

Three criteria are employed to assess ethical validity of the UN action. (1) Proportionality between the means and goals: The focus is whether the costs involved in the UN military actions, such as life of Somali civilians, are of greater or less value than the goals, including disarmament. (2) Just cause of the use of force: The key question involves whether the UN is able to justify its action based on self-defense and/or defense of the weak. (3) Legitimacy to use force: The important question is whether the UN, a non-state entity, was a legitimate actor and therefore allowed to use
force even though only nation states have traditionally been recognized as legitimate in the use of force.

II. RECENT EVENTS IN SOMALIA · CIVIL WAR AND UN ACTIONS

1. The Setting of the Civil War

Located in the Horn of northeastern Africa, the Somali Democratic Republic has a population of 7,872,000 and covers 637,000 sq km. Severe drought, mass starvation, inter-clan warfare, and rampant diseases such as malaria were only a few of the factors that caused the death of 350,000 people from 1989 to 1992. The civil war drove one million Somali refugees to Ethiopia, Kenya, and other neighboring countries, while two million were displaced internally. Eighty percent of all the social services, including schools and hospitals, were rendered nonoperational. Thirty to forty percent of the livestock was lost.

One of the most serious consequences of the civil war was starvation. Four and a half million people, seventy percent of the entire population, were narrowly kept alive through emergency assistance. Eighty percent of all the children under five suffered from malnutrition. Pervasive banditry by the warlords hindered the UN from delivering relief rations.

2. Warring Factions

Somalia was divided into separate regions and each was controlled by a clan or an alliance of clans. In the northwest, the Somali National Movement (SNT), based mainly on the Isaaq clan, attempted to secede from the nation. The SNT, however, failed to achieve its goal of a separate "Somaliland" because it was not able to gain international recognition. The Somali Salvation Democratic Front (SSDF), consisting of the Majerteen clan, dominated the northeast. In the south, the United Somali Congress (USC) was split into two factions, each vying for the capital Mogadishu. One was led by the interim President Ali Mahadi Muhammad and based on the Abgal clan. The other, mainly consisting of the Habar Gadir clan, was headed by General Muhammad Farah Aidid.

In June 1992, SNM, SSDF, Ali Mahadi's USC, and seven other groups agreed on peaceful coordination; Aidid and his allies did not join the agreement. This eventually resulted in dividing the various factions into two major groups. One consisted of the SSDF, the Abgal-USC, and other related groups, including Barrah's clan. The other, headed by Aidid, was united under the name of the Somali National Alliance (SNA), which consisted of the Harbar Gadir-USC/the Somali Patriotic
Movement (SPM) alliance and other southern groups. By the end of 1992, the Aidid's SNA took control of nearly all of southern Somalia.

3. UN Activities Prior to June 5, 1993

In January 1991, nearly all of the UN aid agencies pulled out as the heightening tension produced by the civil war increasingly endangered relief workers. All but a few assistance groups, including the International Red Cross, left Somalia. The scale of their relief supply became far from sufficient. What aid was available became even more scarce as looting hindered the aid organizations from securing their delivery routes.

In January 1992, under the initiative of Secretary-General Boutros Boutros-Ghali, the UN started its attempt to mediate the conflict and to send emergency relief. Despite the Security Council Resolution of January 23, the international arms embargo became practically ineffective as Somali warlords kept smuggling arms from overseas. In April, the Security Council, taking this situation into consideration, decided to dispatch the United Nations Operations in Somalia (UNOSOM). This small UN mission assigned fifty military observers to monitor the cease-fire and protect shipments of relief supplies. A Security Council Resolution on July 27 reinforced UNOSOM by dispatching 500 Pakistani peacekeepers in order to protect relief workers and help distribute relief supplies. On August 28, the Security Council also decided to deploy a UN force of 750 in four major ports neighboring Mogadishu and other politically important areas in order to protect food shipments. Each of these UN forces was mandated to facilitate relief distribution to the four major Somali groups equally. However, General Aidid resisted UN intervention and strongly opposed UNOSOM. This rendered the UN troops virtually non-operational.

The situation began to change when US-led forces of a larger scale joined the UN operation at the end of 1992. On December 3, the UN accepted a US offer to send 28,000 ground troops to protect the UN relief workers. The first of the US-led troops, the United Task Force (UNITAF), landed in Somalia on December 9. By late December, UNITAF was comprised of 7,000 US troops and 2,000 allied forces. This expanded UN force sped up delivery of relief goods to Mogadishu and seven other major zones. However, sporadic fighting and looting still made the UN relief work difficult. The two major rival leaders, Aidid and Ali Mahdi, agreed to end the fighting, but the influence of this truce on other factions was limited. In January 1993, US President George Bush visited Somalia and promised to withdraw US forces as soon as the tension between the warlords eased to the extent that the UN peacekeepers would be
able to carry out their mission.

In January and March 1993, under international pressure, fifteen Somali leaders agreed to disarm and cooperate for reconstruction (The Addis Ababa Agreements). Terms of the agreements included the establishment of a Transitional National Council in order to resurrect executive and administrative authority.

In May 1993, the UN took over the US-controlled UNITAF, reforming it as UNOSOM II. This peacekeeping force, the largest in the UN history, was to consist of 28,000 soldiers and logistical personnel as well as 2,800 civilian workers from thirty member states. UNOSOM II was assigned to achieve an expanded mandate, which included not only the continuous protection of relief workers, but also the reconstruction of the Somali economy and rehabilitation of the political system. To further these goals, UNOSOM II also assumed the task of implementing the Addis Ababa Agreements. In order to carry out these missions, UNOSOM II became the first "peace-enforcement" operation authorized to use force under Chapter VII of the UN Charter (The Security Council Resolution 814 on March 26, 1993).

4. Somalis' Attacks on UN Peacekeepers on June 5, 1993

On June 5, 1993, twenty-five Pakistani peacekeepers were killed and fifty-seven UN soldiers, including three Americans, were wounded in combat by Somali attackers. This caused "the biggest single loss incurred by a UN peace-keeping operation." On the Somali side, the local radio reported that sixteen people were killed and one hundred forty-seven were injured.

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On the morning of June 5, UN peacekeepers began inspecting General Aidid's five weapon-storage sites, four in south Mogadishu and one in north of the city. The UN had already taken the five arsenals from Somali control in January 1993 in accordance with the Addis Ababa Agreement. However, when UN officials informed the USC/SNA of the planned inspection on the previous day, it responded by stating that inspections, if conducted, would lead to "war."

At one site near Aidid's radio station ("Radio Mogadishu"), the UN inspectors were faced by a group of people who incited anti-UN emotions of the crowd that had gathered. The station had been broadcasting anti-UN chants, provoking a baseless rumor that the UN would seize the station. At another arsenal co-located with a radio retransmission facility, UN inspectors were ambushed by Somali snipers.

At about 10 a.m., in other areas of Mogadishu, Somali attackers fired on the UNOSOM II Force Command headquarters, which involved civilian officers. Meanwhile, demonstrations began nearby. Later in the day a troop of Pakistani peacekeepers returning from their mission "encountered a large, carefully prepared
three-sided ambush" at a point called "21 October Road." At a feeding station, another Pakistani unit, while helping with food distribution, was attacked by a group of Somali gunmen.

The UN soldiers fired back on Somali attackers who employed rocket-propelled grenades, mortars, and heavy machine guns. In the midst of combat, Italian troops, backed up by a dozen tanks and two helicopters, rescued the peacekeepers. According to the Italian news agency, ANSA, US helicopters bombed Aidid's three arms dumps in the fighting. The Pentagon declined official comments on this information. In an interview after the fight, General Aidid, while denying his involvement in the event, emphasized that "innocent [Somali] civilians had been massacred." In contrast, Admiral Jonathan Howe, the Special Representative of the UN Secretary-General for Somalia, stated that the peacekeepers were "murdered as they sought to serve the neediest people in the city." He also stressed that twelve of them were assisting with the unloading of relief goods at a feeding station "when they were foully attacked by cowards who placed women and children in front of armed men."

5. UN Reactions to the Attacks Following June 5, 1993

The UN reacted to this event promptly. Before an official investigation of the June 5 Somali attacks was completed, the fifteen member states of the Security Council unanimously adopted Resolution 837 on June 6. Although only circumstantial evidence was available then, the representative of Venezuela, after having voted, stated that the Somali attacks were "undoubtedly instigated and encouraged publicly by Aidid himself."

Resolution 837 included six points:

(1) The Secretary-General was authorized under Resolution 814 to take all necessary measures against those responsible. The measures included arrest and detention for prosecution, trial, and punishment.
(2) The USC and SNA forces were condemned for the attacks.
(3) The early implementation of disarmament was crucial.
(4) Radio broadcasting systems were to be neutralized.
(5) Law and order needed to be restored for humanitarian relief operations and Somalia's political and economic rehabilitation.
(6) Member states were encouraged to provide heavier arms, including attack helicopters and tanks, to the peacekeepers in order to enhance their ability to confront and deter armed attack.

On July 8, eleven Somali political parties condemned the June 5 attack on UN
peacekeepers, supporting the Security Council's Resolution 837. In a news conference on June 10, anticipating UN coercive responses to the fighting on June 5, General Aidid reconfirmed that he was not responsible for the event. Moreover, he strongly blamed the UN for the violence and heightened tensions in Mogadishu. He also warned that any UN military action in the city "could turn into a massacre of innocent people."27

After the fighting on June 5, virtually all the UN and other relief workers were evacuated from Mogadishu. It was reported that on June 11 only sixteen foreign relief workers remained in the city.28 The lack of aid workers made the starvation even more severe not only within the city, but also in other areas relying on relief supplies from Mogadishu.

6. UN Attacks on Somali Military Sites on June 12, 1993 and After

On June 12, UNOSOM II started to take "decisive action to restore peace to Mogadishu."29 A UN air and ground operation, coordinated by the US, attacked five targets: a clandestine military facility, three weapons compounds, and a relay transmitter site for "Radio Mogadishu." UN officials refrained to comment when questioned by the media as to whether General Aidid himself was also considered a target.

The air raid, which began at 4 a.m., lasted for forty-five minutes. Relief workers reportedly identified only a few bursts of gunfire. The UN suffered no casualties in the attack. However, witnesses reported that two Somalis were killed and another two wounded.30 Somali policemen told journalists the attack injured a dozen Somalis, but the information could not be confirmed.

The operation's primary goals were different for the UN (authorizing organization) and the US (implementor). The UN's position as stated by the Secretary-General was that the military action ought to be "seen in the context of the international community's commitment to the national disarmament programme."31 The US position as iterated by White House officials was that the main purpose was to "punish" General Aidid, who was allegedly responsible for the death of Pakistani soldiers.32

Means of the attack were carefully selected. The US aircraft used in the operation, the AC-130H Spectre, were equipped with computer fire control devices which enabled to take precise aim at the targets even in the dark. The time of the air raid (4 a.m.) was deliberately chosen to "avoid military and civilian casualties that would have resulted from a ground assault" followed by the air attack.33
Several additional military actions succeeded this operation. On June 13 and 14, UNOSOM II conducted air strikes on two clandestine weapons storage sites within Aidid's stronghold area in south Mogadishu. On June 17, a coordinated ground and air operation disarmed and searched the headquarters of the USC/SNA. In the latter operation, five UN soldiers were killed and forty-six injured, while Somali casualties were not reported.34

One of the most tragic incidents that coincided with this series of UN actions was the death of "an undetermined number" of Somali civilians on June 13.35 When Pakistani peacekeepers at a strong point faced demonstrators agitated by SNA elements, armed Somalis fired into the crowd from an adjacent building. According to witnesses, it was "a carefully staged incident calculated to create casualties before the world press and [to] try to weaken the United Nations forces' effectiveness in dealing with organized mobs in the future."36

7. International and Domestic Impact of UN Military Actions

The military actions of UNOSOM II had various ramifications inside and outside Somalia, involving neighboring states and other actors. Several countries, including African states, supported the authority of UNOSOM II to take "decisive actions." Djibouti stated in the Security Council "the UN needs to punish anyone who violates civilized behavior."37 Cape Verde urged that the UN condemn the [June 5] attack, in view of the fact that the peacekeepers who were ambushed were trying to "establish a climate conducive to the eradication of starvation of the Somali population."38

The President of Eritrea, however, criticized the UN military operations coordinated by the US. In an interview on October 9, President Isaias Afererki stated that the US, acting under UN authority, misread the intricacies of Somali clan politics in its series of coercive actions including the efforts to arrest Aidid. He alluded to the uniqueness of the Somali clan society when he stated "no clan is going to give up its leader, and it is a mistake to think that (arrest) can be done."39

One of the negative consequences of the military action was that the use of "human shields" against UN attacks was frequently repeated. According to a statement of the UN Security Council on June 14, "civilian crowds, including women and children, have been used by General Aidid and his supporters as human shields to screen attacks on fixed guard posts or strong points."40 Relief workers observations supported this opinion.

However, the effect of the military action was not wholly negative. The operation of UNOSOM II reportedly eased the starvation and the plight of refugees.
The World Food Program (WFP) reported on June 9, 1993, that Somali refugees in Ethiopia had decreased from 500,000 to 395,000 due to the efforts of the UN forces to make the northwest area of Somalia relatively safer. As for the relief work of coping with starvation, WFP reported that aid workers had formerly been suffering from looting of more than 15,000 tons of relief rations until December 1992. The expanded UN operation with ‘teeth,’ according to the WFP’s report, secured the safety of relief workers enough to permit the delivery of more than 103,000 metric tons of food to Somalia, thereby creating "the turning point" of the relief activities.

III. CRITERIA FOR ETHICAL JUDGMENT

This paper sets up three criteria as important components of the just war doctrine: (1) proportionality of means and goals, (2) just cause of war, and (2) legitimacy of those who fight. In particular, application of the third criterion to the UN, which has seldom been attempted, raises a serious question as to the morality of the UN "peace-enforcement" operation.

1. Proportionality of Means and Goals

Proportionality is defined as the balance between the costs resulting from the means taken and the value of the goals of actions. If the costs undertaken unduly outweigh the value of the ends achieved, the action, typically use of force, is unethical.

The primary goal of the UN military operation, according to an official statement of the Secretary-General, was disarmament. The secondary goals included the neutralization of the broadcasting systems, the normalization of relief supplies, and the reconstruction of political and economical mechanisms. In contrast, US officials stressed that their major goal was "punishment" of General Aidid. In addition, US media pointed out that the goal was "retaliation," an action to regain the credibility of UN peacekeeping not only in Somalia, but also in other countries.

The air and ground forces, the means chosen to achieve the goals, attacked not only four military sites, but also a radio station. Although the station was used as a center of Aidid's anti-UN campaigns, the morality of attacking a non-military facility is debatable. Moreover, although not conclusively confirmed, more than a dozen Somali civilians were killed in the operation. The UN's responsibility, regardless of the number of deaths, can not be overstated since the imperative rationale of the UN mandate was to protect civilian life. On the other hand, one could determine that the weapons used and the scale of the operation were appropriate. In the air raid of June 12, for instance, the use of two high-tech aircraft was probably one of the most efficient
ways to aim accurately at the targets in the dark with the least probability of sacrificing civilians.

The UN military actions brought about at least two negative results. First, the SNA reacted with escalated violence. For example, the massacre of Somali demonstrators on June 13 undoubtedly was a direct response of SNA to the UN military actions initiated on June 12. Second, humanitarian agencies objected to the military-oriented policies of UNOSOM II. Some relief agencies, for example, strongly complained that the humanitarian dimension of UN's mission was "marginalized as a result of military actions" that caused threat to their activities.

Positive effects of the UN action are twofold. First, relief supplies resumed in south Mogadishu on June 21 as tension eased. This allowed aid workers to deliver humanitarian supplies to the massive number of starving people in other areas relying on assistance from Mogadishu. Second, it could be argued that the military actions demonstrated the UN's credibility to the member states that had already sent peacekeepers to Somalia and elsewhere. The implication of this point is significant. If the UN did not take a decisive action in response to the "massacre" of peacekeepers, its member states would have been reluctant to provide more personnel. This would have caused serious negative impact on other UN operations in progress, in such regions as Cambodia and Bosnia, where UN peacekeepers were helping millions of civilians.

In assessing the balance between the value of the goals and the costs to achieve them, one could reasonably conclude that the UN military operation was proportionate. The costs, including the loss of some civilians' lives, may have been relatively be smaller than the value of the end achieved: saving hundreds of thousands of Somalis who would otherwise have been killed by starvation or the war.

2. Just Cause of War

For what reasons states, or any other actors, use force is an imperative question to ask in order to fight a "just war." This is because, at least in theory, use of force has been regarded as a highly exceptional means to achieve national goals since the end of World War II. Throughout the modern history, the just war doctrine has permitted the use of force only in two cases: self-defense and defense of the weak.

From a strictly legal viewpoint, the UN's attack was warranted by the Security Council's Resolution 814, which authorized UNOSOM II to "take all the necessary measures." However, whether the Resolution itself was ethical is a question which legal discussion could never answer. Therefore, it is critical to ask if the UN actions
initiated on June 12 are morally justifiable, given the two guidelines of the just war doctrine.

(1) Self-defense

Self-defense is an inherent right of a state to use force (or other means) when an action taken by another state or states has posed an imminent threat to the fundamental right of the nation. Even if it can reasonably be assumed that the UN, as a non-state actor, also has this right, UNOSOM II is not able to justify its military actions as self-defense in this particular case.

Admittedly, the UN actions of destroying a large stock of weapons might have deterred SNA's potential to use violence against UNOSOM II, thereby defending itself. However, a set of two critical matters does not allow the UNOSOM II to justify its operation as self-defense. First, the military actions were apparently responding to the "massacre" on June 5. Second, it was seven days later than that when the UNOSOM II took a "decisive action," which did not counteract "imminent" threat seven days ago. More precisely, although the UN's use of force against Somali snipers on June 5 was undoubtedly an action of self-defense, the attacks initiated on June 12 no longer defended the UN, but merely attacked the Somalis.

(2) Defense of the Weak (Humanitarian Intervention)

When the purpose of the use of force is "purely humanitarian," the action can be justified. Put another way, if economic, political, or other incentives are placed before the intention to help the weak, the use of force can hardly be ethical. Moreover, states that use force in a foreign nation have a special moral duty to prove that their actions are "purely humanitarian." The UN is never free from this duty as long as it consists of nation states, each of which bears the same burden. In order to assess the "pureness" of humanitarian motives, at least three benchmarks must be considered:

First, humanitarian use of force ought be conducted when the government has lost control of the nation or when the government itself abuses its people. In other words, the "outsiders" who intervene with force have to show that their use of force is the only way to help those abused. In this sense, the UN's raid was justifiable since the then interim government was never able to constrain the violence of General Aidid.

Second, those who intervene must share the same goal as the people in danger intend to achieve. It is certain that the large number of Somalis who were suffering from starvation and warfare shared the UN's goals: disarmament and normalization of relief supply.
However, whether the "punishment" of Aidid, as US officials suggested, was a goal shared with the Somali people is doubtful. This is a serious problem since the US played a central role in the UN military actions. Particularly, a large number of Aidid’s clan members and other supporters would have strongly objected to this goal, given the Somali people’s loyalty to their clan leaders.

Third, justifiable use of force is typically the one that directly, not indirectly, saves the life in peril. The act of destroying weapons storages did not directly save any human lives, but deprived Somalis of their lives. Even if it may have eventually improved the safety of Somali citizens, one could hardly prove the hypothetical cause-and-effect relation between the military actions and human life that may have been saved. In this sense, the UN’s operation is hardly justifiable.

Having discussed the three benchmarks above, it can be concluded that the UN’s air and ground attacks were not actions to defend the weak. To summarize, the UN fought for neither of the two just causes of war: self-defense and defense of the weak.

3. Legitimacy

Only legitimate actors are able, and allowed, to fight a "just war." In other words, unless the legitimacy of those who fight is proven, the actor’s use of force is unjust. Throughout the modern history, only nation states have been allowed to fight "just wars" as legitimate actors. Other than states, groups of united people who fight for self-determination could be considered as legitimate in highly exceptional cases. (For instance, the anti-apartheid movement in South Africa was almost unanimously supported by international public opinion.) Any non-state actor who fights a war needs to prove, or to be able to prove, its legitimacy by showing that the use of force is conducted in an "extremely exceptional" situation.

From a legal viewpoint, the legitimacy of UNOSOM II to use force was guaranteed by the Security Council’s Resolutions 814 and 837 as authorized by Chapter VII of the UN Charter. However, the question of legitimacy, in the context of ethics, raises an important question: Did the UN, as an exceptional non-state actor, have legitimacy to fight a "just war"? To answer this question, both supporting and dissenting opinions are examined.

The international consent to the UN actions may be strong proof of its legitimacy. All fifteen members of the Security Council unanimously supported the military actions. Many of the neighboring African states had also given consent to the UN’s use of force. Furthermore, the fifteen Somali parties including the interim
government had already expressed their support for the operation.

However, this opinion faces three opposing arguments. First, if one assumes that the UN's legitimacy to use force ultimately comes from the member states' majority rule, this could be an illusion. The majority is not always able to make ethical judgments. Particularly when a small number of great powers controls the majority, their decision to use force could be nothing but an extension of "imperialism" under the guise of democracy. It is hard to deny the possibility of "imperialism" in UNOSOM II's operation. For instance, the US, which virtually implemented the whole operation on June 12, envisaged its own goal ("punishment" of Aidid), different from that of the UN.

Second, it is doubtful that UNOSOM II was legitimately authorized to use force by the Somali people. The interim government gave consent to the UN before it intervened. But this may not have, in fact, guaranteed the UN's legitimacy to be a "new interim governor" who could use force. This is because, whereas the interim government still seemed to be a formal national authority from the outsiders' perspective, the government was virtually no more than a single clan party which had lost its power to govern the nation. The UN's legitimacy, therefore, was dubious in that it failed to gain its authority to fight a "just war" from the Somali people.

Lastly, and most fundamentally, the UN may not have been qualified to use force given that legitimacy is granted only to an entity consisting of a united people who share a sense of destiny generated by their common history. The validity of this idea is demonstrated by a question: Is the actor ready and able to undertake full responsibility if its use of force is proven to be unjust? Given this idea, the legitimacy of non-state actors fighting for self-determination (as well as nation states) can be proven clearly. In the case of Somalia, Aidid's followers had a strong sense of common destiny as members of his clan and an alliance of clans. It could be argued that, only in this sense, Aidid's side had a right to fight against UN peacekeepers even though they had no internationally recognized legitimacy. On the other hand, it is self-evident that the UN, at that moment of history (and still now), was not a "global community" in which member states would bear the responsibility for their misconduct with a common sense of destiny. For example, when Resolution 837 was adopted in the Security Council, the fifteen member states unanimously voted for UNOSOM II's "decisive action" only on the grounds of limited circumstantial evidence. It is undeniable that they had the potential to make misjudgments. Were any of them aware of the moral risks involved and ready to share responsibility for their possible misjudgments? This argument of "common destiny" challenges UNOSOM II in its
attempt to prove its legitimacy as a "warring actor" which can be responsible for the deaths of Somali civilians in the military actions.

In summation: discussions about the three criteria, proportionality, just cause of war, and legitimacy, indicate that the UNOSOM II's military actions had many ethical implications. In particular, the UN may have acted wrongly in terms of just cause of war and legitimacy, whereas it performed appropriately from the viewpoint of proportionality. If these flaws render the UN military operation unethical, then what alternative action should it have taken?

IV. POSSIBLE ALTERNATIVE ACTIONS

Four options can be suggested as alternatives to UNOSOM II's military operation: retreat, inaction, non-military reactions, and heavier military actions.

1. Retreat

Some positive effects could be expected from the withdrawal of the UN troops. There would have been no further Somali or UN casualties resulting from military confrontations. In addition, the UN would not have breached the three moral guidelines of proportionality, just cause of war, and legitimacy, simply because it would no longer have been fighting.

However, negative impacts would be myriad. The deaths of Pakistani soldiers on June 5 would have become nothing but a symbol of Aidid's victory, the immorality of which would have seriously undermined the credibility of the UN as a "global peacekeeper." The lives of starving and displaced Somalis would have been placed in greater jeopardy since no one else could have protected distribution routes of international relief supplies. Hopes for the disarmament and reconstruction of Somalia would have been far out of sight.

2. Inaction

UNOSOM II could have also observed the three ethical guidelines by refraining from any specific reactions and adhering only to its humanitarian task as well as to voluntary disarmament. However, without any deterrence, SNA's attacks on peacekeepers and civilian workers would have escalated. Voluntary disarmament would have been less likely to work as Somali citizens would have been forced to arm themselves since UNOSOM II had proven itself powerless in the face of SNA's violence. What is worse, the UN member states would have become more reluctant to provide personnel for risky peacekeeping operations in the future.
3. Non-military Reactions

UNOSOM II could have reacted without using force. One of the possible actions could have been more effective control of Somali information systems. It should be noted that the recent success of the UN peacekeeping in Cambodia (including the UN-sponsored election with a ninety-percent voter turnout rate) was largely attributable to its efforts in distributing numerous radios to the widely illiterate population. Admittedly, applicability of the same measure in Somalia is debatable, yet it is undeniable that UNOSOM II's poor manipulation of information allowed the SNA to generate strong biases against UN activities. It is also certain that resulting misunderstandings escalated anti-UN demonstrations and caused the deaths of peacekeepers. Given Radio Cairo's External Services Network readily available to UNOSOM II, the UN could have expanded its effective use of information for disarmament and other programs.

The positive effects within a short period would have been limited or none. Such measures, however, could have helped humanitarian aid, disarmament, and enhanced the credibility of the UN in the long-run. In addition, due to the non-military nature of the actions, consideration of the three ethical criteria would have been needless. Particularly, in view of just cause of war, the UN could have clearly demonstrated its security policy that peacekeeping operations would never use force beyond self-defense.

The flip side of non-military actions would have been inefficiency in the short-term. Even worse, there might have been a large possibility of having no effect. One could argue, therefore, that non-military actions, because of the long time needed to bring palpable results, might have virtually "killed" a larger number of starving Somalis than military actions.

4. Heavier Military Actions

If UNOSOM II had taken heavier military actions - heavy enough to force Aidid to comply immediately with the UN disarmament program - it could have halted warfare within a short period. By taking such actions, the UN could have openly declared its readiness to use force beyond self-defense and possibly for retaliation.

Heavier military actions, however, would have huge immoral implications. First, the ethical guidelines of just cause of war and legitimacy would have been devastatingly breached. Second, as more Somali civilians were killed, it would have become increasingly ambiguous whether the costs of military actions could be still
proportional to the value of anticipated goals, such as disarmament. Moreover, the heavier the UN's military actions, the greater "revenge" Aidid might have extracted, as his reinforcement of the "human shields" indicated.

V. ASSESSMENT OF ALTERNATIVES

One could conclude that, among the four alternatives suggested, retreat and inaction are two of the most immoral. An important reason for this assessment is that both options would have virtually found the murders of twenty-five peacekeepers not culpable actions. These options could have caused further "massacres" of UN peacekeepers not only in Somalia but also in other areas. In short, actions for deterrence, without breaching ethical guidelines, had to be conducted.

Comparing non-military reactions with the two levels of military actions (both heavier military actions and the ones which were actually conducted), one must conclude that the non-military option is optimal. Three reasons explain why:

First, although the UN might have been able to maintain proportionality in its military operation, any use of force would have eventually caused a vicious spiral of revenge. For example, after UNOSOM II attacked Aidid's military sites, he utilized the "human shields" more maliciously, causing the deaths of many demonstrators on June 13. The escalation of "massacres" culminated in the killing and mutilation of eighteen US peacekeepers on October 18, 1993.55 On the UN side, as more peacekeepers were killed, the Security Council allowed member states to increase their peacekeepers' fire power significantly. Besides, Security Council member states more and more expressly called for "punishment" of those allegedly responsible, adopting additional "decisive actions." In short, even if the UN had taken military actions proportionately, the costs of the consequences - endless "reprisals" - would have eventually outweighed the end value achieved by the actions.

Second, any UN military operation that could have been taken on June 12 or afterward would have breached the guideline in just cause of war. No matter what magnitude of military operation UNOSOM II had chosen, it could not be justifiable since the actions could be considered neither as self-defense nor as defense of the weak.

Third, and most importantly, UNOSOM II did not have legitimacy to use force, at least from the ethical viewpoint. One of the crucial reasons for this argument is that UNOSOM II was not capable of accepting responsibility for its possible misconduct, including the killing of innocent civilians. Unless the UN member states shared a common sense of destiny to accept responsibility for their possible misconduct, what is most likely to happen is a scenario: Everyone is wrong, but nobody is
VI. LESSONS FROM THE UN "PEACE-ENFORCEMENT" ACTIVITIES
(CONCLUSION)

This discussion of ethical problems of the UN military actions initiated on June 12, 1993 implies two lessons for UN activities in the future:

1. What the UN can do is not to "enforce" peace, but to assist indigenous peoples' efforts toward national reconstruction.

   Why should the UN have acted without using force? This paper has answered this question by examining three criteria theoretically. But there seems to be another, more practical, answer: Only Somalis know what their "peace" is. Put another way, the virtue of "insiders" is sometimes different from the one "outsiders" assume, as the Somali clan saying indicated. In this sense, it is imperative for the UN to know what it can do and also what it can not. The international society must admit that the UN's task is only to assist the efforts of indigenous people, instead of forcing the virtues of "outsiders" on them.

2. The UN's use of force beyond self-defense is not justifiable at this moment of history.

   What if UNOSOM II's use of force is proven to be ethically wrong? This question was never addressed in the Security Council meetings. Clearly, UNOSOM II's legitimacy to use force was not examined ethically when Resolutions 814 and 837 were adopted. Given this dangerous situation, one could suggest that the UN needs to refrain from using force except in cases in which self-defense is unequivocally proven, as was the case regarding UNOSOM II's use of force on June 5, 1993. Unless the member states become aware of their "common destiny" -- which seems unlikely to happen in the foreseeable future -- the UN must observe this guideline strictly. Instead of crossing the threshold of the "last resort" so easily, the UN ought to reconsider the best non-military alternative to achieve its goals to the maximum extent. This is the only way the UN can behave ethically at this stage of history.

ENDNOTES


3 Ibid.

4 Reasons for the choice of the three criteria are:

(1) Proportionality: Both US mass media and UN documents reported that the number of casualties in the UNOSOM II's attacks beginning on June 12, 1993 was not significant. (For example, in the June 12 attack, "only" two Somalis were reportedly killed and two wounded. See section II-6.) Such reports of the "small number" of casualties seem to have convinced the public that UNOSOM II's operation was, at least ostensibly, justifiable. But few have asked if the "small number" of casualties was a cost proportional to the UN's goals in the actions. This article, therefore, examines the validity of this "ostensibly justifiable" assessment given the guideline of proportionality in the just war doctrine.

(2) Just cause of the use of force: After the UNOSOM II's military operation initiated on June 12, the mass media almost unanimously reported that the military actions were the UN's "retaliation" to the deaths of twenty-five Pakistani soldiers on June 5. Nevertheless, UN official documents, including those by the Secretary-General, carefully avoided this term. This article explores whether UNOSOM II had a justifiable reason to fight if, as the UN documents imply, "retaliation" (a commonly immoral cause) was not the reason for the UN's military actions.

(3) Legitimacy: As discussed in sections II and III, when the UN Security Council determined UNOSOM II's use of force, the Council seems to have not fully realized that the decision implied a drastic, historical change in UN peacekeeping. By examining UNOSOM II's legitimacy in the use of force, this paper provides a moral judgment on the new direction of UN peacekeeping.


6 Samatar, 3.

7 Ibid.

8 Ibid., 4.

9 Ibid.

10 Ibid.

11 Ibid.

12 Daume 1993.

13 Ibid.


15 Daume 1993.


18 United Nations, Department of Public Information, UN Chronicle, September 1993, 4.


23 UN Chronicle, September 1993, 4.

24 Ibid.


28 FBIS, 14 June 1993, 7.

29 UN Chronicle, September 1993, 4.

30 FBIS, 14 June 1993, 10.

31 UN Chronicle, September 1993, 5.


34 UN Chronicle, September 1993, 5.


36 Ibid.

37 UN Chronicle, September 1993, 6.

38 Ibid.


40 UN Chronicle, September 1993, 7.
41 Ibid.
42 Ibid.
43 Ibid.
46 Ibid., 9.
49 Nigel S. Rodley, Collective Intervention to Protect Human Rights and Civilian Populations(142,363),(852,775)
50 Walzer, 104.
51 Ibid., 105.