

## EVALUATION OF THE HUMAN RIGHTS AND CIVILIAN PROTECTION MANDATE OF THE UNITED NATIONS IN SOMALIA POST-CONFLICT ERA

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### **Abstract**

The management of conflicts in Africa is irresistible with overwhelming challenges, as the intra-state battles persist with limited resource support and protection of civilians as provided in the Charter of the United Nations. Subsequently, the dimension of global conflicts necessitated the formation of the Department of Peacekeeping Operations (DPKO) and to manage all the UN conflict interventions. The accounts of lingering skirmishes in the African continent are enormous and unwarranted by way of the continuous civil wars, increased human losses, dislocation of people and humanitarian requirements. The connection between the United Nations and Somalia conflict management, focused on the Security Council's approved mandates through the efforts of the African Union in Somalia (AMISOM), and the United Nations Assistance in Somalia (UNSOM) in resolving this crisis within the period under review. The hitch of this study was on the institutional philosophy of global organisation, the qualitative approaches was adopted to analyse the effect of AMISOM and UNSOM on gender violence in Somalia. It is expected that the outcome of this study will add to knowledge, provide key insights in the relationship between AMISOM and UNSOM mandates on gender violence in Somalia, and offer strategies to address the issue. The findings revealed that the UN mandate for human rights and civilian protection was impeded by clash of interests of state and non-state players to this conflict. Hence, recommend the evaluation of the United Nations structure to accommodate the trend of conflicts in these contemporary times; creation of the military department for UN own troops to avoid divided loyalty among peacekeepers.

**Keywords:** Human rights, Civilian Protection, Humanitarian, Actors, UNSOM, AMISOM and Conflict management

### **Introduction**

The continued epochs of protracted war and the 2011 famine contributed to the fragmentation, weakening of the central government and most of the impact of the UNSOM human right and civilian protection mandate. Accordingly, the conflict in Somalia was drawn from the 19<sup>th</sup>-century opposition and hostility as numerous offshoots applied overriding control above governmental and economic authorities, beside other peripheral inspiration to the struggle. Importantly, state fragility is usually perceived as a problem of ability and dearth of human capitals, however for over a decade, investigation and evidence

showed that the elongated crisis and state weakness are also compelled by a series of other operational factors, together with systematic exploitation which distresses the state's skill to effectively rule and create a mandate. The fragility of a state diminishes the aptitude of the administration to deliver basic safety, effective monitoring, law enforcement, judicial systems, as well provide non-ferocious administrative instruments for management and resolution (HNO, 2018 p.13). Also, the food insecurity and displacement of persons have over the years ravaged the country. All these contributed to hamper the capacity of the Somalia Federal Government to collaborate efficiently with UN to promote human rights, child protection, and gender based violence. Example, prior to the UNSOM mandate in 2013, on the 7 August, 2012, some camouflaged government forces fired the presidential aspirant, in addition to the Ex-Prime Minister Mohammed A. Farmajo, leading to the death of two persons (UNSC, 2019).

Amid all, the UN, AMISOM, IGAD and other international partners' effort, political, economic and security atmospheres are consistently thought-provoking. Because of the overwhelming interest of UNSC and other international actors in Somalia, especially in their territorial waters, strained relations between Somalia FG and federal member states, asymmetric approach to humanitarian assistance among others.

### **Literature Review**

The literature on state fragility and international intervention in Somalia underscores the enduring effects of historical conflict, institutional breakdown, and the complex entanglement of global interests in domestic governance. From the late 19th century onward, Somalia's political space has been shaped by resistance to centralised authority and the proliferation of non-state actors wielding control over key state functions (Menkhaus, 2006; Barnes & Hassan, 2007). This dynamic has fundamentally undermined the post-colonial state's capacity for effective governance. Scholars have argued that while fragility is often attributed to a lack of technical capacity and human resources, it is equally sustained by systemic political and economic exploitation, which frustrates efforts at rebuilding institutional legitimacy and functional statehood (Rotberg, 2002; Kaplan, 2008). Especially, the inability of successive Somalia administrations to provide fundamental public services refuge, fairness, and primary welfare has contributed to the lingering justice crisis of the country (Menkhaus, 2014). Institutional reports like the Humanitarian Needs Overview (2018) focus on how the earring away of state capacity weakens law enforcement, accountability by the judiciary, and conflict resolution tools, leaving a gap usually filled by informal or forced power structures. More so,

persistent food insecurity and bulk displacement have compounded social susceptibilities, placing further strain on governance frameworks (Maxwell & Fitzpatrick, 2012). These organisational forces weaken Somalia's ability to effectively coordinate with global structures like the United Nations Assistance Mission in Somalia, which has been compelled to human rights advancement, child protection, and reactions to gender-based violence (UNSOM, 2019).

The establishment of UNSOM in 2013 was purposed to improve state-building exertions and civilian protection, nevertheless its impact has been frequently challenged by the fragile political defrayal within Somalia itself (Williams, 2018). For example, the violent incident of 7 August 2012, relating in the shooting of a presidential aspirant as well as the former Prime Minister Mohammed A. Farmajo by alleged actors who were linked to government forces, demonstrates the lasting risks to political stability and the confines of global lapses in context where government organisations lack cohesion and accountability (United Nations Security Council [UNSC], 2019). Although this incident occurred before UNSOM was formally launched, it exposed the delicate terrain that international mandates must traverse. The political, economic, and security environments are still unstable despite concerted efforts by the UN, the African Union Mission in Somalia (AMISOM), the Intergovernmental Authority on Development (IGAD), and other multilateral partners to promote peacebuilding and institutional recovery (Samatar, 2016). The strategic interests of external actors, especially the United Nations Security Council (UNSC), in Somalia's maritime territories frequently make it more difficult to provide development and humanitarian aid in an unbiased manner (Buur, 2020). Coherent governance and coordinated cooperation with international mechanisms have been further hampered by these overlapping interests, which have occasionally increased mistrust between the federal government and federal member states (Mahmoud, 2017).

Thus, the scholarly and policy-oriented literature confirms that the long-term historical and political underpinnings of conflict, the continuous division of power, and the conflicting international interests at play are all necessary to fully comprehend the difficulties facing UNSOM and other international actors in Somalia. The lack of strong domestic institutions keeps external interventions limited and incomplete, which frequently makes the very insecurities they are meant to address worse (Menkhaus, 2018; de Waal, 2015).

## Methodology

The African Union Mission in Somalia (AMISOM) and the United Nations Assistance Mission in Somalia (UNSOM) are two international interventions that have been used to address human rights and humanitarian violations in the context of Somalia's protracted conflict. This study used a qualitative research approach to investigate the function and efficacy of these interventions. The institutionalist views, explores how international organisational structures and mandates impact conflict management outcomes, especially in delicate and complex environments like Somalia, served as the foundation for the study.

Because of its ability to capture the subtleties and complexity present in conflict environments—such as the interactions between actors, the development of mandates, and the sociopolitical dynamics that influence implementation outcomes—qualitative research was selected. A combination of document analysis and interpretive analysis of previously published reports, policy documents, UN Security Council resolutions, and independent human rights assessments were used in the study. Among the primary sources were policy briefs, academic journal articles, African Union communiqués, and United Nations mission reports from 2012 to 2023. In addition to taking into consideration the political climate that preceded the UNSOM's creation in 2013, this time frame allowed for a thorough analysis of the years after the organisation's founding in 2013. The AMISOM and UNSOM operational reports and mandates were the main focus of the document analysis, with special attention paid to how these mandates addressed civilian security, human rights protection, and gender-based violence. In order to evaluate the effectiveness of mandates in safeguarding vulnerable populations, particularly women and girls, in Somalia's conflict-ridden areas, patterns, inconsistencies, and changes in their implementation were found and investigated. In order to comprehend the wider ramifications of state fragility on international peacebuilding initiatives, pertinent incidents were also examined, such as the political violence in 2012 involving prominent actors.

In order to better understand the difficulties in coordination and the conflicting interests that frequently limit international interventions, the study also considered the viewpoints of state and non-state actors as they are represented in UN and AU reports. Understanding the limited success of current frameworks was thought to require an understanding of the role of federalism, the tense relations between the federal government and federal member states,

and the influence of outside actors with strategic interests in Somalia's maritime and territorial zones. Using a thematic approach to data analysis, links between institutional structures and field-level realities were made by examining recurrent themes like institutional rivalry, limited operational coherence, and divided loyalties among peacekeepers. This approach made it possible for the study to produce well-founded insights into how the sociopolitical environment in Somalia influences and is influenced by the mandates of UNSOM and AMISOM.

For the authenticity and credibility of the study, all secondary data sources were properly cited and cross-referenced in line with ethical research practices. The range and depth of documentary evidence provided a thorough basis for critical reflection on institutional performance and policy effectiveness in managing gender-based violence in conflict zones, despite the lack of fieldwork. This methodological approach ultimately enabled the study to provide evidence-based and contextually relevant recommendations, such as reevaluating the UN structure to reflect current conflict trends and proposing the creation of a permanent UN military department to improve accountability and prevent the divided loyalty frequently seen among peacekeepers recruited from member states.

### **Impact of the UN Human Rights and Civilian Protection Mandate**

In e attempts to address the current problems of violence related conflict and impunity, the United Nations Security Council (UNSC) approved a number of resolutions to improve Somalia's human rights and civilian protection mandate. The United Nations Office of the High Commissioner for Human Rights (UNOHCHR), working with the United Nations Assistance Mission in Somalia (UNSOM), was authorised by the UNSC in Resolution 2158 of 2014 monitor, report on human rights abuses, and violations of international humanitarian law. Resolutions 2221 (2015), 2275 (2016), 2358 (2017), 2408 (2018), and 2461 (2019), which emphasised better civilian protection, accountability for abuses, and the need to reduce impunity, strengthened this first resolution (UNSOM/UNOHCHR Report, 2019). Numerous civilians continued to suffer in spite of these institutional and legal frameworks, particularly in light of ongoing attacks by armed non-state actors. 5,133 civilians were killed or injured in Somalia's ongoing conflict between January 2017 and December 2019; 2,338 civilians were killed and 2,795 were injured during this time (UNSOM/UNOHCHR Report, 2019).

In 2017 alone, 2,156 casualties were documented, with 1,096 killed and 1,060 injured. The majority approximately 69% were attributed to attacks by Al-Shabaab, including the use of improvised explosive devices and other forms of indiscriminate violence. The scale of these assaults illustrated the persistent threat posed by extremist groups, undermining the efforts of the international community and the Somali authorities to safeguard civilian lives.

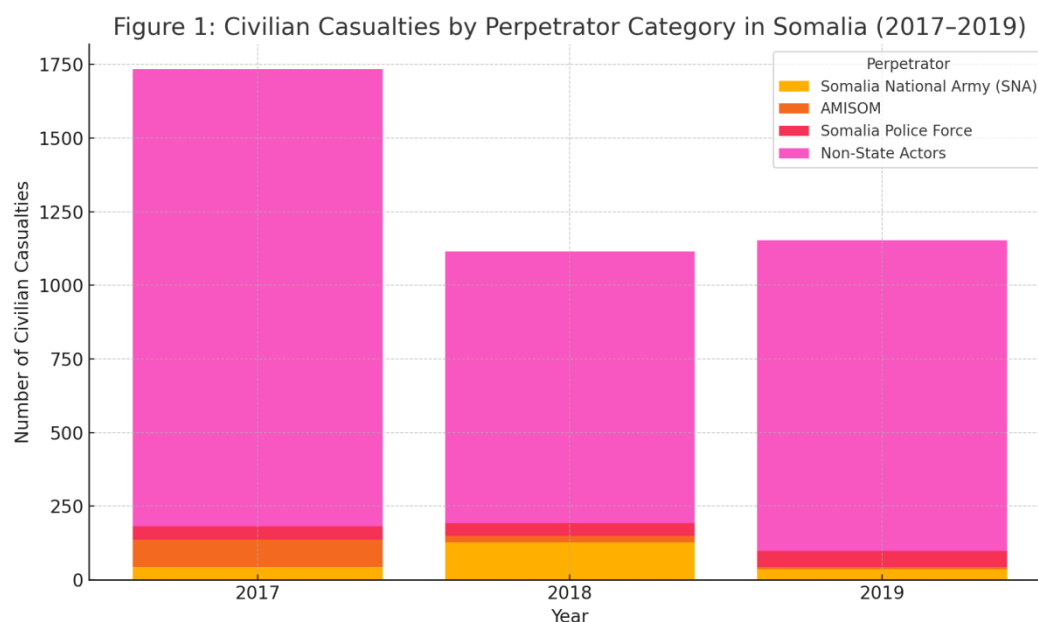
This trend is represented in Table 1 below, which presents disaggregated data on civilian casualties between 2017 and 2019. The figures detail killings and injuries, while also showing attribution by key actors including the Somalia National Army, AMISOM, and the Somalia Police Force.

**Table I: Somalia Civilian Casualties, from 1 January 2017 to 31 December, 2019**

Year	Number of Civilians Killed	Number of Civilians injured	Civilian Casualties by Somalia National Army(SNA)	Civilian Casualties by AMISOM	Increase in Civilian Casualties Caused by Somalia Police Force	Total
2017	1,096	1,060	43	94	44	2,189
2018	651	867	128	21	44	1,626
2019	591	868	37	7	55	1,496
<b>Total</b>	<b>2,338</b>	<b>2,795</b>	<b>208</b>	<b>122</b>	<b>143</b>	<b>5,133</b>

**Source:** UNSOM/OHCHR Report (Dec. 2019), compiled by the researcher 2021.

Below is the stacked column chart (Figure 1) to visually illustrate fluctuations in civilian casualties across the three years by perpetrator category.



The official records showed that state actors were also implicated in civilian harm, though at fluctuating levels. AMISOM was responsible for 94 civilian casualties in 2017; this number declined to 21 in 2018 and fell further to just 7 in 2019. These figures suggest a gradual operational restraint or increased adherence to international standards by peacekeeping forces. However, the Somalia Police Force recorded 44 civilian casualties in both 2017 and 2018, rising slightly to 55 in 2019. The Somalia National Army, which accounted for 43 casualties in 2017, saw its figure surge to 128 in 2018 before dropping significantly to 37 in 2019 a reduction of approximately 71%.

The situation of children within this conflict landscape was especially dire. Over the three-year period, 13,857 children were affected by grave violations, with 10,654 serious incidents recorded. Of the total affected, 11,708 were boys and 2,149 were girls, highlighting a gendered pattern in victimisation (UNSOM/UNOHCHR Report, 2019, p. 5). Reports showed that 4,371 children were abducted, comprising 4,020 boys and 350 girls, with 95% of these abductions linked to Al-Shabaab. Beyond abductions and recruitment, sexual and gender-based violence remained a recurring atrocity. Girls and women were subjected to rape, forced marriages, and other forms of sexual violence, often perpetrated by non-state armed groups, clan militias; rogue state agents, and unidentified gunmen. These crimes, documented between 2017 and 2018, were particularly rampant in areas with limited government presence or effective law enforcement (UNSOM/UNOHCHR, 2020, p. 6). Such violations occurred alongside broader insecurity, undermining community resilience and further eroding trust in institutions that were expected to offer protection.

Political instability compounded the humanitarian and protection crises in Somalia. The strained relationship between the Federal Government and federal member states, as well as competing international interests, frustrated efforts at coordinated conflict resolution and humanitarian delivery. This fragmentation within the political structure hindered the full implementation of the UNSOM and UNOHCHR mandates and contributed to the failure to create a unified approach to protection. Visual representation through a conceptual diagram (Figure 4) could map the complex relationship between federal institutions, international actors, and protection outcomes, offering a schematic view of the governance gap affecting mandate implementation.

### **Worsened Humanitarian Situation by Weak Enforcement of Mandate in Somalia**

The political squabble in Somalia is date back to the early crisis in the country, and it is linked to the interest, management and roles of both the state and the non-state actors in the conflict. The state actors like the clan elites, who in their political bid inflate the crisis through hiring of clan based militia and other gangsters for selection thuggery. Then, the strained associations between Somalia FG and federal member states (UN,S/2019/661). For example, on the 9th August, 2012, it was reported that some individuals with government forces uniform killed two persons upon firing supporters of presidential aspirant and Ex-Prime Minister, Mohammed A. Farmajo (UNSC, 2019). In the same year, the south and the central region were denied from all-inclusive political and government presence by Al-Shabaab as the government administered from Mogadoshu (UNSOM/OHCHR, 2016 p. 11). Apart from the challenge caused by the clan guerrillas and violent extremist groups in the political squabbles that led to the humanitarian situation, about 49 years Somalia was not involved in any electoral process, as their last general elections was in 1967. In consideration to the effect of the prolonged conflict and deaths, 98% of its citizens were less than 64 years, and 45.6% below 15 years, while the greater percentage of the population has never witnessed democratic elections in their lives (UNSOM/OHCHR. 2016 p. 11).

The non-state actors cannot be vehemently dissociated from the worsened humanitarian situation in Somalia, this is consequent upon the varying interest of the international players have ultimately been exhibited by the approaches used to tackle the security upheaval. For a example, the UNSC and UN General Assembly more concentrated actions on the anti-piracy on Somalia territorial waters, than to confront the overwhelming human right and civilian protections. As evidenced on the number of resolutions taken within the period, between 2010 and early 2012, about 3 ratifications were on human right protection and 18 on anti-piracy off the sea coast of Somalia- Resolutions – 1918 (2010); 1950 (2010); 1976 (2011); 2015 (2011) and 2077 (2012) (UNS/RES/2125, 2013); 2383 (2017) (UNSC, 2019). In addition, the interest of the other non-state actors were also geared toward the anti-prates by the number of contributions made by some regions and countries, e.g - ALTALANTA (EU); Ocean Shield (NATO); Combined Maritime Forces (UK); U.S assigned ships to combined Task Forces 151 and NATO Task Force 508 (RES/2125/2013). Without ultimate response to the IGAD and AMISOM recommendations for the enforcement of “Marine blockade and “No fly zone” in Somalia (UNSC, 2019). Also, the large concentration of the deployed troops for the peace support missions and humanitarian assistance operating mostly on



Mogadishu. In other word, the varying interest among the non-state actors in the conflict were displayed by different supports granted to their group of interest. Example, Eritrea strong supporter of Al-Shabaab and at some point were accused of supplying arms to this militant group (CFR, 2011).

In effect, the wavering attention of these players in the Somalia conflict management significantly contributed to the asymmetric approach to the humanitarian activities, difficulties in command and control of issues. Example, the 2005 and 2010 consistent dispute in south central of Somalia that led to shrank humanitarian space (HPN, No.53, Feb.2012 p. 19). More so, the poor co-ordination and squabbles of humanitarian assistance led to over 130 violent incidences witnessed by the humanitarian organisations in 2018. Among them were 15 deaths; 31 injured; 3 physical assaults; 17 arrest and temporary detention; 30 abductions and 9 attempted abduction (HNO, 2018). Also, in 2009 over \$50 million of humanitarian aid in Somalia were suspended by the US Office of Foreign Assets Control (OFAC), in the effort to stop the suspected benefits of Al-Shabaab, especially the food aid (HPN, No. 53, Feb. 2012.).

Nonetheless, the incessant attacks, the humanitarian and development actors impede the conduct of assessments and monitoring of the assistance safely and effectively (HPN,No.53, Feb., 2012 p. 20). To this end, the humanitarian situation were heightened by the political squabbles associated with Somalia government, this in turn affected the peace support programmes, thereby, contributing to the upsurge of the violation of human right and protection, unaccountability and corruption among all the players in the conflict. For instance, on the 30<sup>th</sup> April 2017, it was reported that at Buulo Mareer and Golweyn Road, Lower Shabelle Region, three (3) Somali aid workers abducted, two (2) men and one (1) woman. They were released after negotiation with the abductees' relatives. Then, on the 8th of November 2018, in Tuulo Jibril village, Gedo region, another two (2) Somali staff of international NGO were abducted, some money was collected for their release after 20 days. Additionally, on February 27 2019, five (5) staff members of an NGO were abducted at Guru Area of Garbaarey District, Gedo region and the sum of \$3,000USD were paid each for their ransom (UNSOM/OHCHR, 2020 p. 15). In 2017, the first-ten months, over 80 incidences of the demand for arbitrary taxation, multiple registrations, interference in staff recruitments, and demand for taxation of humanitarian programme funds were on record. Also, the number of humanitarian workers expelled were nine (9) (HNO, 2018 p.15). In evaluating the trend of events, it was observed that corruption is relatively associated with de-humanisation

witnessed in Somalia. For instance, the corruption perception index of Somalia were significantly low in ranking from 2012 to 2019. See the table iv below for details:

**Table II: Somalia Corruption Perception Index, 2012 - 2019**

Year	Ranking	CPI Score
2010	178	1
2011	182	1
2012	182	8
2013	182	8
2014	182	8
2015	182	8
2016	182	10
2017	180	9
2018	180	10
2019	180	9

**Source:** Corruption Perception Index (2010 – 2020).

From the table above, the decades of weak or lack of central government, persistent protracted internal conflict/insecurity, formed an obvious gap in transparency and accountability of Somalia. Between 2010 and 2011, the ranking was 1 out of 180 countries, which represents the first among the most corrupt countries globally. There were improvements from 2012 to 2015, representing decline in the corruption level for four (4), as it was shown 8 out 180 per year. However, in 2018, further improvement on the country's global corruption index was identified, as it recorded 10 against 9 in 2018 and 2019 respectively. Consequently, corruption is the by-products of under-development, economic dependency and poverty. For example, the total dependency ratio of Somalia are as follows: 96.3%; Youth – 90.6%; elderly dependency – 5.7% and median age – 18.5% (CIA, 2020). Then again, about 5 million representing the 41% of Somali's population were in humanitarian needs in 2017 (HRP, January – December, 2017).

Although, the interest and bureaucratic bottleneck of the UN Security Council in Somalia contributed to a great deal to the political crisis through the multiplication of clan-based armed groups who struggled to control power and resources. This resulted, prior to the UN intervention, 4.5 million (45%) people in severe hunger and malnutrition connected disease;

300,000 (6%) deaths (estimated) from November, 1991 – January, 1992; 1.5 million (11%) lives in prompt risk and about 1 million (10%) refugees outside the country, (UN Somalia Report, nd). Subsequently, between 2011 and 2012, there were over 200,000 estimated deaths through famine and more. By November 2016 about 680,000 were displaced people/refugees; in August, 2017 - 6.7 million in food insecurity (UNHCR, 2017). Then, out of 6.3 million people in need, 2.1 million were displaced. For example, internally displaced persons in October, 2016 were 85,573, but increased 1.2 million by October, 2017 (HNO, November 2017). In the same 2016, Somalia became the fifth (5th) poorest country in the world as the people were living below international poverty level of \$1.90 per day (World Bank, 2017a).

See the table iii below out 12.3 million of Somalia total population of the distribution of people in humanitarian aid as at November, 2017 by age and sex.

**Table III: Distribution of People in Humanitarian Aid by Age and Sex in Somalia as at November, 2017**

Age	No. of Male (M)	No. of Female (M)	Percentage(s) %
0-18	1.8	1.6	42
18-59	1.3	1.3	32
59 and above	0.1	0.1	02
<b>Total</b>	3.2	3.2	76

**Source:** Humanitarian Needs Overview (HNO, January – October, 2017).

The above table showed how out of the estimated population of 12.3 million of Somalia, about 6.2 million were in need. According to sex and age distributions, male from the ages of 0- 18 years were 1.8 million of the population, and female are 1.6 million, both representing the 42% of the population in need. Though, 18 -59 years of male and female represents 32% of the population. Then 59 years and above (elderly) represents 02% of the people in need. The interest of the two major group of actors in Somalia conflict were enormous, the impacts were not only felt among different ages and sexes, but also beyond the humanitarian situation or needs. But in all the affected, the delivery of the human right and protection mandate of the United National Assistance in Somalia.

The above therefore demonstrated that the varying interest of the non-state actors like UNSC, AMISOM IGAD; clan based political struggle, religious extremism, corruption among

others, have to a large extent diminished the human rights and protection mandate as proposed by the United Nation Assistance in Somalia. These were the linkages to the state weakness and lack of centralised regulatory framework for both the non-governmental organisations and the international organisations. In effect, delays and caused the intrusion in humanitarian facilities; arrests and detentions of humanitarian workers coupled with temporal suspension of humanitarian programmes that were paramount.

### **Summary and Conclusion**

This study evaluate the range and effect of the United Nations' human rights and civilian protection mandate in Somalia, specifically to investigate on the operational role of UNSOM in shaping human rights outcomes. In consideration to the UN Security Council Resolutions 2158 (2014), 2221 (2015), 2275 (2016), 2358 (2017), 2408 (2018), and 2461 (2019), the analysis highlighted the achievements and persistent shortcomings in the implementation of both humanitarian and human rights protections in Somalia's conflict. The data indicates a measurable however insignificant reduction in civilian casualties within the period under review. While casualties inflicted by AMISOM and the Somalia National Army revealed a sliding drift, the vast majority of civilian maltreatment were still attribute to non-state armed groups, especially Al-Shabaab. Notwithstanding the evidence decrease from 2,189 casualties in 2017 to 1,496 in 2019, the figures remain distressingly high, directing to the difficult and severed nature of Somalia's crisis. The circumstances were considered poor due to the persistent sexual violence in spite of the international intervention, the unselective utilisation of volatile devices, and systemic abuses against children.

The institutional irregularities and weaknesses undermine the mandate enforcement were also identified in the study. The unswerving enactment of protection protocols was hampered by political rivalries between the federal government and regional authorities as well as state actors' varying obligation to international rules. Even though UNSOM's mission permitted the monitoring and reporting, the success of its inventiveness was lessened by the politicisation of humanitarian processes and poor enforcement competences. The inconsistent actions of foreign actors, who often prioritised counter-terrorism and anti-piracy processes over all-inclusive civilian protection also, hindered the coordination of humanitarian programme. Furthermore, emphasizes on how cynicism, liability, and structural inequality have been exacerbated by corruption and the manipulation of humanitarian resources. In the global index it has been discovered that Somalia usually ranks the least, while about half of

the population depends on humanitarian assistance, the likelihood of political detention and abuse of relief tools persists to position severe risks to exertions of reclamation and peace-building.

Finally, the realities of armed insurgency, weak local enforcement and political in fragmentation arrangements have limited the effect of the UN's human rights and civilian protection mandate, in spite of the crucial framework for support and monitoring. The re-orienting the worldwide strategies to prioritise local legitimacy, strengthen community-grounded mechanisms is important like Xeer, and to better align peacekeeping, humanitarian response, and state-building goals in order to overcome some of these limitations. On the other hand, the chances for long-lasting peace and efficient civilian protection will continue to elude the people in the absence of such assimilated and locally centred procedures.

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