

MAKERERE UNIVERSITY

FACULTY OF LAW

**THE LEGAL CHALLENGES TO REGIONAL PEACEKEEPING IN
CONTEMPORARY AFRICA: LESSONS FROM SOMALIA**

BY

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DECLARATION

I DAN MUJINYA TIZIHWAYO hereby declare that the contents of this study are my original work and other works that have been quoted have been duly acknowledged. To the best of my knowledge, this work has not been presented before to any University for any academic award in whole or in part.

DAN MUJINYA TIZIHWAYO

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DATE

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APPROVAL

This is to certify that this research was carried out under our supervision and approved as the student's original work.

PROFESSOR J. OLOKA-ONYANGO

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DATE

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DR. HENRY OJAMBO

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DATE

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DEDICATION

This piece of work is dedicated to all peace loving people of the world, to my late father Brigadier Yorokamu Tizihwayo (RIP), who died during the struggle to liberate his motherland Uganda, to all peacekeepers who have dared to step out of the dominant culture of resignation and are in various peacekeeping missions around the world struggling for humanity, and to the memory of all those who passed on while keeping peace. May the good Lord rest your souls in peace and reward you with better condition of life. To my mother Mrs. Zeuria Tizihwayo, I also dedicate this piece of work. Thanks for your calm, easy going demeanor, love, advice and keeping my life in order. May God bless you always. I honor and salute you all.

ABSTRACT

The end of the Cold War contributed to the outbreak of new conflicts in Africa, mainly because the Soviet Union (former USSR), the USA and other powers withdrew support from governments they had helped to keep in power during the Cold War. The result was that those governments were weakened and in many cases civil war resulted as was the case in Somalia. Peacekeeping as such arose as a direct consequence of these conflicts. Against this background, this study examines the legal challenges to peacekeeping in contemporary Africa. It investigates the weaknesses and challenges facing the legal framework governing peacekeeping operations in contemporary Africa and their implications on international peace and security, and appraises them using Somalia as a case study.

The peacekeeping intervention in Somalia started when civil war broke out after the overthrow of the Siad Barre regime in January 1991, and this marked a significant stage in the deterioration of the overall situation in the country. Peacekeeping activity was initially prompted by a desire on the part of the international community to protect and facilitate the distribution of food relief to the population in an effort to end the famine that was ravaging southern Somalia at the time. The intervention in the crisis at this stage necessitated some form of non-coercive measures in order to prevent the humanitarian crisis from worsening.

This study provides a broad assessment of the UN peacekeeping initiatives that were employed in Somalia post Siad Barre's overthrow in 1991, and it also strives to establish the factors that led to the failure of these peace initiatives. The study also assesses the intervention of the African Union peacekeeping mission (AMISOM) from 2007 and the challenges the peacekeepers are facing in fulfilling the AMISOM mandate of providing support to the Transitional Federal Institutions in Somalia, to halt acts of violence, abuse of humanity, restoring peace and security as well as handling the humanitarian crisis in Somalia.

The Somalia experience has highlighted and brought into focus some important and perennial legal aspects of contemporary peacekeeping that need to be addressed urgently. With all these implications for peace and stability in Africa, the researcher has been prompted to respond to these challenges by making conclusions and recommendations that will foster effective peacekeeping in Africa. Most importantly, lessons will be drawn from these challenges using the Somalia experience and these will in turn inform current and future peacekeeping operations in Africa and elsewhere so that stability, development of the region and restoration of international peace and security are achieved.

Map of Somalia



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Abbreviations/Acronyms

AMISOM	African Mission in Somalia
ASF	African standby Force
AU	African Union
AUC	African Union Commission
BDI BAG	Burundi Battle Group
EU	European Union
ICJ	International Court of Justice
ICU	Islamic Courts Union
IED	Improvised Explosive Device
IGAD	Inter Governmental Authority on Development
LOAC	Law of Armed Conflict
MINURSO	Moroccan Peacekeeping Mission
MOU	Memorandum of Understanding
NGO	Non Governmental Organisation
ONUC	United Nations Force in Congo
ROE	Rules of Engagement
SNA	Somali National Alliance
SOMA/SOFA	Status of Mission/Force Agreement
SSDF	Somali Salvation Democratic Force
TCC	Troop Contributing Country
TFG	Transitional Federal Government
UGABAG	Uganda Battle Group
UNDSS	United Nations Department of Safety and Security
UNSOA	United Nations Support Office for Somalia