In January 1993 the personnel of Headquarter's Australian Forces Somalia and a battalion group based on the 1st Battalion Royal Australian Regiment, began deploying to Somalia. The deployment was part of what the United States termed Operation Restore Hope, and Australian planners designated Operation Solace. The force being assembled under US command was to be known as the Unified Task Force or UNITAF. While not a UN commanded operation it was carried out under a Security Council mandate, Resolution 794. It was a Chapter VII peace enforcement operation into a collapsed state for humanitarian purposes; a humanitarian intervention. It also became a state rehabilitation mission when Resolution 814 was added to the equation. This was a new development in international affairs although aspects of the situation were reminiscent of various past peace operations, including those in the Congo in the 1960s, Northern Iraq in 1991 and Cambodia from 1991 to 1993.

When UNITAF arrived it encountered suffering Somalis, warlords, numerous NGOs, the UN and its agencies and a complete civil authority vacuum. After two years of civil war there were absolutely no state institutions in operation. There were, for example, no state port authorities, air traffic controllers, education and health facilities, sanitation, power and water utilities, or law and order agencies functioning. There was no authority with whom to negotiate a Status of Forces Agreement. This situation presented the most acute legal problems. It was reminiscent of the circumstances Allied occupation armies found themselves in during and after World War II. From this situation the commanders and their legal advisers (for those contingents that had legal advisers) attempted to make some sense and establish a means of operating to achieve the mandate set for the force. As the military legal adviser to the Australian contingent I was part of this effort and learned a great deal from the experience. It was clear that a number of issues of international law needed to be explored for the benefit of any future action of this type. As a result this work was undertaken. In the course of the research one passage stood out, coming from the writings of Lord Rennell of Rodd on the British occupation experience in Africa during World War II:
Foreword to the Series

It will perhaps only be when an International lawyer is himself called upon to take part in the legal affairs of a Military Administration as an Army officer that he will truly appreciate the multifarious difficulties which can arise and seek to provide an answer to them in a text-book which one may hope that he will write.¹

Having had something approximating this experience I can say that I can “truly appreciate the multifarious difficulties which can arise” as can my colleagues in the US military legal services with whom I was privileged to work in Somalia. What I have attempted to do is analyse some of the key aspects emerging from that operation in relation to the law and order issues where the assumption of, or intrusion on, aspects of sovereignty by the peace force occurred. I have also tried to record and analyse the opinions and approaches that were adopted in dealing with the “multifarious difficulties” faced in Somalia. From this process I have tried to draw out the main legal lessons. It is hoped that this will serve as a basis for the further study of such issues.

¹ Lord Rennell of Rodd, British Military Administration of Occupied Territories in Africa: During the Years 1941-1947 (1948) 322.