

# Sexual exploitation and abuse in peace operations: trends, policy responses and future directions

JASMINE-KIM WESTENDORF AND LOUISE SEARLE\*

In 2013, a UN investigation declared sexual exploitation and abuse (SEA) ‘the most significant risk to UN peacekeeping missions, above and beyond other key risks including protection of civilians’.<sup>1</sup> Secretary-General Ban Ki-moon himself asserted that ‘a single substantiated case of [SEA] involving UN personnel is one case too many’.<sup>2</sup> Yet civilian and military personnel associated with peacekeeping operations (PKOs) continue to perpetrate SEA, despite the development of policy frameworks designed to prevent it and hold perpetrators accountable.

SEA by interveners has been addressed largely as an issue of principle: when peacekeepers abuse local populations they undermine the principles that underpin their deployment. A 2015 independent review of SEA perpetrated by peacekeepers in the Central African Republic (CAR) asserted that ‘when peacekeepers exploit the vulnerability of the people they have been sent to protect, it is a fundamental betrayal of trust. When the international community fails to care for the victims or to hold the perpetrators to account, that betrayal is compounded.’<sup>3</sup> Responses have centred on calling for peacekeepers and aid workers to better uphold UN principles, and policies have focused on pre-deployment training and accountability mechanisms within PKOs, but these have not reduced the incidence of SEA.

This article investigates the phenomenon of SEA by interveners (including personnel affiliated with the UN and NGOs, and others associated with PKOs) and policy responses undertaken by the UN, states and NGOs. We begin with an investigation of SEA by interveners. After a brief review of what we know of the phenomenon from the early 1990s onwards, we develop an analysis of the distinguishing features of the dominant forms of SEA, drawing on survivor testimony. We argue that the use of the umbrella term ‘SEA’, while helpful in distinguishing

\* The authors would like to thank the two anonymous reviewers for their valuable comments and suggestions, Dr Anna Powles for her input at the inception of this project, and Josie Flint, Nina Roxburgh and Emma Jidinger for their excellent research assistance.

<sup>1</sup> Thelma Awori, Catherine Lutz and Paban Thapa, *Final report: expert mission to evaluate risks to SEA prevention efforts* (New York: UN, 2013), p. 1.

<sup>2</sup> UN Secretary-General (UNSG), *Special measures for protection from sexual exploitation and sexual abuse* (New York: UN, 2015), p. 1.

<sup>3</sup> Marie Deschamps, Hassan B. Jallow and Yasmin Sooka, *Taking action on SEA by peacekeepers: report of an independent review on SEA by international peacekeeping forces in the CAR* (New York: UN, 2015), <http://www.un.org/News/dh/infocus/centafricrepub/Independent-Review-Report.pdf>, p. i. (Unless otherwise noted at point of citation, all URLs cited in this article were accessible on 13 Dec. 2016.)

such behaviour from other forms of misconduct, also has the effect of obscuring significant differences in the form, function and causes of the behaviours it encompasses. We attempt to disentangle the behaviours SEA encompasses in order to better understand why it occurs, supplementing a gender analysis with an understanding of the local, international, normative and systemic factors that intersect with gender orders and structures to create conditions in which SEA is perpetrated in four distinguishable forms.

We then move on to investigate the steps taken to date to prevent and respond to SEA by interveners. We examine the policy frameworks of the UN and international humanitarian community, demonstrating that the effectiveness of these policies has been undermined by multiple factors. These include the cyclical and reactive nature of policy development, the gulf between policy development at international level and its implementation in missions, and the focus on individualized compliance rather than structural and contextual issues, which is underpinned by framing SEA as one particular sort of misconduct. Policies are further undermined by the isolation of SEA policy from other relevant policy frameworks, the assumption that relevant authorities see it as within their interests to prevent SEA and ensure accountability, and the UN's 'genetic defect', which holds it hostage to both member-state interests and bureaucratic imperatives. We argue that a more complex understanding of the factors that give rise to SEA and the structural and political conditions that have undermined policy responses opens space for a more robust response to the 'global scourge' of SEA.

### SEA by interveners—what do we know?

The UN defines *sexual exploitation* as 'any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another', while *sexual abuse* is 'the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions'.<sup>4</sup> SEA first emerged as a peacekeeping issue during the UN Transitional Authority in Cambodia (UNTAC) in 1993, when the number of prostitutes in Cambodia rose from 6,000 before the mission to more than 25,000 in 1993. The widespread use of prostitutes involved violence and the sexual abuse of girls, with women reporting that 'UNTAC customers could be more cruel' than Cambodians.<sup>5</sup> The UN response was threefold: the head of mission dismissed the issue's significance, declaring that 'boys will be boys';<sup>6</sup> mission leadership advised peacekeepers not to wear uniforms when visiting brothels or park UN vehicles directly outside; and an additional 800,000 condoms were shipped to the country to prevent the spread of HIV.<sup>7</sup>

<sup>4</sup> UNSG, 'Secretary-General's Bulletin: special measures for protection from sexual exploitation and sexual abuse ST/SGB/2003/13', 2003, p. 1.

<sup>5</sup> Sandra Whitworth, *Men, militarism, and UN peacekeeping* (Boulder, CO: Lynne Rienner, 2004), pp. 67, 68.

<sup>6</sup> Judy Ledgerwood, *UN peacekeeping missions: the lessons from Cambodia*, AsiaPacific Issues no. 11 (Honolulu: East-West Center, 1994), <http://www.seasite.niu.edu/khmer/ledgerwood/PDFAsiaPacific.htm>.

<sup>7</sup> Olivera Simic, *Regulation of sexual conduct in UN peacekeeping operations* (New York: Springer, 2012), p. 41.

In 1995, the issue of peacekeeper SEA arose again, this time in Bosnia and Herzegovina, where evidence emerged that women and girls were being trafficked to work as sex slaves in brothels frequented by UN personnel, and later, that interveners were complicit in sex trafficking. However, it was not until 1999 that negative media and rising public attention prompted the UN Mission in Bosnia and Herzegovina and the Office of the High Commissioner for Human Rights to develop policy responses—which suggests a reluctance ‘to recognise the direct and indirect involvement of peacekeepers in trafficking’.<sup>8</sup> Once under way, the UN response adopted a more limited definition of trafficking than that set out under international law, and failed to provide adequate victim protection.

Shortly thereafter, independent consultants raised the alarm that UN and NGO staff were abusing and exploiting local women and girls in refugee camps in Guinea, Liberia and Sierra Leone. A subsequent Office of Internal Oversight Services (OIOS) investigation in 2001 verified that SEA was prevalent, documenting the sexual relationship between a UN civilian staff member and a 17-year-old refugee in exchange for school fees, the violent rape of girls by NGO staff, the rape of boys by peacekeepers in Sierra Leone, the exchange of sex for food provided by NGO staff, and the refusal of international staff to take responsibility for children fathered with local women.<sup>9</sup> The Secretary-General subsequently declared that:

[SEA] by humanitarian staff cannot be tolerated. It violates everything the UN stands for. Men, women and children displaced by conflict or other disasters are among the most vulnerable people on earth. They look to the UN and its humanitarian partners for shelter and protection. Anyone employed by or affiliated with the UN who breaks that sacred trust must be held accountable and, when the circumstances so warrant, prosecuted.<sup>10</sup>

In response, the General Assembly adopted a resolution ‘[e]xpressing its grave concern at incidents of sexual exploitation and abuse against vulnerable populations’, and directing the Secretary-General to extend remedial and preventive measures to all PKOs and humanitarian operations, ensure that reporting and investigative procedures are in place, and maintain data on SEA.<sup>11</sup> It ‘encouraged’ all UN bodies and NGOs to do the same. The Secretary-General consequently issued a bulletin which established a zero-tolerance policy on SEA for all UN staff and outlined the duties of mission leadership in holding perpetrators accountable, including through referring cases to national authorities for criminal prosecution. It also mandated that all non-UN entities or individuals working in cooperation with the UN accept and implement those standards.<sup>12</sup> This was a cornerstone of SEA policy development, and reinforced the mandate laid out in UN Security Council Resolution 1325 for interveners to protect women from post-conflict sexual and gender-based violence (SGBV), although, as this article will show, SEA policy has

<sup>8</sup> Simic, *Regulation of sexual conduct*, p. 42.

<sup>9</sup> UNSG, ‘Investigation into sexual exploitation of refugees by aid workers in west Africa’, A/57/465, 2002, pp. 9–11.

<sup>10</sup> UNSG, ‘Investigation into sexual exploitation of refugees by aid workers in west Africa’, p. 1.

<sup>11</sup> UNGA, A/RES/57/306, 2003, pp. 1–2 (emphasis in original).

<sup>12</sup> UNSG, ‘Secretary-General’s Bulletin: special measures for protection from sexual exploitation and sexual abuse’.

been developed in isolation from the broader Women, Peace and Security (WPS) agenda set out in UNSCR 1325, which has undermined its effectiveness.<sup>13</sup>

A number of themes emerge from these early examples which have continued to characterize the phenomenon of intervener SEA: the widespread abuse of children; the perpetration of SEA by a wide range of military, civilian, UN, NGO and private actors; repeated rounds of policy development that are unable to effectively prevent or respond to SEA; and the diversity of behaviours that SEA encompasses.

## Sexual exploitation and abuse: untangling the behaviours

Our review of available data on intervener SEA suggests that the range of SEA perpetrated is diverse, encompassing opportunistic sexual abuse, transactional sex, networked sexual exploitation, and planned, sadistic attacks. It also suggests that instances of SEA are driven by different motivating and/or permissive factors, and it is useful to understand SEA in terms of whether and how individual cases involve transactions, the extent to which they have been planned or involve multiple perpetrators, and whether they are networked. It is also helpful to understand which actions are criminal. In thus attempting to distinguish those elements of the actions loosely grouped together as SEA that can be differentiated, we aim to reach a better understanding of the form and function of specific instances of SEA, as well as to identify the factors that give rise to such actions. As Grady's study of UN data collection on SEA allegations demonstrated, the UN has abandoned and developed new taxonomies of SEA annually;<sup>14</sup> this makes tracking trends or using the data virtually impossible, and highlights the need for categories that are robust but broad enough to be useful in understanding the nature of specific instances of SEA. A sound understanding of the factors that give rise to different forms of SEA is fundamental to understanding the ineffectiveness of policy responses to date, and developing better responses in future.

### *Opportunistic sexual abuse*

Soldiers have a long history of perpetrating SGBV in conflict and post-conflict situations, and rape and sexual violence have taken place on a mass scale in many conflicts in which PKOs have been deployed. While conflict-related sexual violence (CRSV) may sometimes be used strategically in aid of military objectives—often characterized as 'a weapon of war'—it may also be perpetrated opportunistically for private reasons, or as a 'practice of war', which Wood argues 'is not ordered (even implicitly) or institutionalized, but is tolerated for a variety of reasons'.<sup>15</sup> Given the myriad reasons rape occurs during war, it is not surprising that soldiers also perpetrate such violence when deployed as peacekeepers.

<sup>13</sup> UNSC, S/RES/1325 on Women, Peace and Security, 31 Oct. 2000.

<sup>14</sup> Kate Grady, 'Sex, statistics, peacekeepers and power', *Modern Law Review* 79: 6, 2016, pp. 935–41.

<sup>15</sup> Elizabeth Wood, 'Conflict-related sexual violence and the policy implications of recent research', *International Review of the Red Cross* 96: 894, 2014, p. 473.

Sexual abuse, according to the UN, includes sexual assault, rape and other intrusions of a sexual nature, and is perpetrated by both individuals and groups. Nordås and Rustad found rape reported in 11 of 36 PKOs they investigated (although specific data were unavailable in nearly half the operations, so the real figure is likely to be higher).<sup>16</sup> From January to April 2016, the OIOS recorded 36 allegations of sexual abuse across UN PKOs, including 15 cases of sexual assault, ten involving minors, suggesting the widespread perpetration of rape as a form of SEA in PKOs.<sup>17</sup> However, it is unlikely that these statistics accurately reflect the scale of this form of SEA: Grady's research suggests that UN data are unreliable owing to poor data management, potential false allegations and a likely under-reporting of SEA.<sup>18</sup>

Putting aside questions of scale, many non-UN investigations have documented the perpetration of what appears to be opportunistic rape by interveners, including in the Democratic Republic of the Congo (DRC), Haiti, Sierra Leone and Guinea. For example, in 2015 Human Rights Watch documented rapes in CAR, including that of two girls, aged 18 and 14, who were gang-raped by armed MINUSCA peacekeepers near their base, the older girl having been seeking food or money from the peacekeepers, and threatened with death if she resisted, while the younger had simply been walking by.<sup>19</sup>

As noted above, this violence often occurs in contexts where sexual violence has long been a norm: contemporary civil wars are characterized by extensive CRSV, which draws on deeper social constructs of masculinity that also produce SGBV outside war.<sup>20</sup> Further, military peacekeepers are, first and foremost, soldiers, and reports of peacekeeper rape seem to revolve around military peacekeepers rather than civilian peacekeepers or aid workers, who appear more in accounts of transactional sex. Research has demonstrated that the deliberate militarization of masculinity within armies as a training mechanism produces sexually violent behaviours, which goes some way towards explaining this form of violence.<sup>21</sup> In some cases, there are also parallels between the normalization of sexual violence in peacekeepers' home countries and their perpetration of sexual abuse when on deployment with a UN mission. The main factor distinguishing this form of SEA is that it is opportunistic in so far as it is for the private purposes of the rapist(s), and does not include the pre-planning or coordination characteristic of other forms of SEA.

<sup>16</sup> Ragnhild Nordås and Siri Rustad, 'Sexual exploitation and abuse by peacekeepers', *International Interactions* 39: 4, 2013, p. 518.

<sup>17</sup> UN Conduct and Discipline Unit (CDU), 'Status of allegations, investigations and actions (sexual exploitation and abuse)', 2016, <https://cdu.unlb.org/Statistics/DetailedOverviewofAllegationsfrom2015onward/StatusofAllegationsInvestigationsandActionsSexualExploitationandAbuse.aspx>.

<sup>18</sup> Grady, 'Sex, statistics, peacekeepers and power', p. 942.

<sup>19</sup> Human Rights Watch (HRW), *Central African Republic: rape by peacekeepers* (Nairobi, 4 Feb. 2016), <https://www.hrw.org/news/2016/02/04/central-african-republic-rape-peacekeepers>.

<sup>20</sup> Sara Meger, 'Rape of the Congo', *Journal of Contemporary African Studies* 28: 2, 2010, pp. 119–35.

<sup>21</sup> See e.g. Whitworth, *Men, militarism, and UN peacekeeping*; Cynthia Enloe, *Maneuvers* (Berkeley: University of California Press, 2000).

### *Planned, sadistic abuse*

The second type of SEA is related and similarly criminal, but distinct in that it is characterized not by its opportunistic nature but by the perpetration of rape in a planned, sadistic form. In 2015, an internal UN report leaked after suppression by the UN hierarchy documented extensive instances of SEA perpetrated against children in CAR by peacekeeping soldiers.<sup>22</sup> The report documented the regular oral and anal rape of homeless and starving boys aged 8 to 15 by 26 peacekeepers from France, Chad and Equatorial Guinea, noting that some of the children fled the relative safety of their refugee camp after the attacks. In 2016, more than 108 additional cases were investigated, including the sexual abuse of 98 girls by international peacekeepers who had all returned home by the time interviews with their victims occurred.<sup>23</sup> The report documented allegations that in 2014 a French military commander from the Sangaris force (the non-UN French military intervention in CAR) had tied up and undressed four girls and forced them to have sex with a dog. These cases are emblematic of this form of SEA, and are clearly distinct from the other forms of SEA. These abuses are not perpetrated in pursuit of financial benefit, as are the production of pornography or involvement in sex trafficking discussed below. Nor are they either transactional or opportunistic. They appear to occur for the sadistic pleasure of the perpetrators, and involve both planning and coordination. These incidences are less common than the other forms of SEA discussed, but are not isolated: in 1993, Canadian peacekeepers in Somalia beat, raped and tortured to death a Somali teenage boy who they caught attempting to steal food and water that they had left out as bait to petty thieves,<sup>24</sup> and in 2005 a French logistics employee in DRC ‘was found with hundreds of videotapes that showed him torturing and sexually abusing naked girls.’<sup>25</sup>

This type of abuse has parallels with other forms of torture perpetrated by peacekeepers—for instance, in early 2016 evidence was found that peacekeepers from the Republic of the Congo serving in CAR had tortured to death leaders of the anti-balaka militia group, beat to death civilians, and murdered others including a women and children.<sup>26</sup> That peacekeeper violence against civilians in CAR involved both sexual and non-sexual violence highlights the importance of understanding the range of factors that give rise to military misconduct and torture.

<sup>22</sup> Aids Free World, ‘The UN’s dirty secret’, 29 May 2015, <http://www.codebluecampaign.com/carstatement/>.

<sup>23</sup> Aids Free World, ‘Shocking new reports of peacekeeper sexual abuse in the CAR’, 30 March 2016, <http://www.codebluecampaign.com/press-releases/2016/3/30>.

<sup>24</sup> Sherene Razack, ‘From the “clean snows of Petawawa”: the violence of Canadian peacekeepers in Somalia’, *Cultural Anthropology* 15: 1, 2000, pp. 127–63.

<sup>25</sup> Emily Wax, ‘Congo’s desperate “one-dollar U.N. girls”’, *Washington Post*, Bunia, 21 March 2005, <http://www.washingtonpost.com/wp-dyn/articles/A52333-2005Mar20.html>.

<sup>26</sup> HRW, *Central Africa Republic: murder by peacekeepers* (Nairobi, 7 June 2016).

### Transactional sex

According to the 2005 Zeid Report, commissioned by the UN to provide a comprehensive investigation of peacekeeper SEA, the vast majority of SEA allegations relate to transactional sex, or 'survival sex', including 'the exchange of sex for money (on average \$1–3 per encounter), for food (for immediate consumption or barter later) or for jobs (especially affecting daily workers)'.<sup>27</sup> Although the zero-tolerance bulletin explicitly prohibits any 'exchange of money, employment, goods, or services for sex',<sup>28</sup> this form of behaviour is not necessarily criminal (except when it involves children). The fundamental point of distinction in respect of transactional sex is that it 'involves a level of agency and negotiation', albeit in the context of often extreme deprivation, desperation and insecurity.<sup>29</sup> For example, in 2003 civilians from Bunia in eastern DRC took refuge in and around UN headquarters and camps where an extensive survival sex economy sprang up. The *Independent* reported the story of 13-year-old Faela, who became pregnant after repeated wartime rapes by soldiers, and whose father refused to support her because of the shame of her being an unmarried mother. In the camp for internally displaced people (IDP), she and her baby faced starvation, and so every night she, along with other girls in similar situations, climbed through the fence into the compound where Uruguayan and Moroccan soldiers were based, exchanging sex for a banana or cake.<sup>30</sup>

This is not an uncommon story in post-conflict situations, where the intersection of CRSV, strong cultural norms around 'shame', material deprivation and the presence of international interveners creates conditions for the emergence of survival sex economies. In Liberia, an estimated 58,000 women aged 18–30 engaged in transactional sex in the first nine years of UNMIL—more than 75 per cent with UN personnel, and more than half of them for the first time before they were 18.<sup>31</sup> In Haiti and East Timor, minors were offered food and small amounts of cash for sex, and in the latter, T-shirts were sold with the logo 'Feel Safe Tonight: Sleep with a Peacekeeper'.<sup>32</sup> Research in west Africa suggested that some parents see their children's participation in transactional sex as essential

<sup>27</sup> Zeid Ra'ad Zeid Al-Husseini, *A comprehensive strategy to eliminate future SEA in UN peacekeeping operations*, A/59/710 (New York: UN, 2005). For a similar assessment of the prevalence of exploitative sexual relationships and sex with prostitutes in peacekeeper SEA, see UNSG, A/61/957, 2007, pp. 13–15.

<sup>28</sup> UNSG, 'Secretary-General's Bulletin: special measures for protection from sexual exploitation and sexual abuse', p. 2.

<sup>29</sup> Dianne Otto, 'Making sense of zero tolerance policies in peacekeeping sexual economies', in Vanessa Munro and Carl Stychin, eds, *Sexuality and the law* (Abingdon: Routledge, 2007), pp. 260–61.

<sup>30</sup> Kate Holt and Sarah Hughes, 'Sex and death in the heart of Africa', *Independent*, 25 May 2004, <http://www.independent.co.uk/news/world/africa/sex-and-death-in-the-heart-of-africa-564563.html>.

<sup>31</sup> Bernd Beber, Michael J. Gilligan, Jenny Guardado and Sabrina Karim, 'Peacekeeping, compliance with international norms, and transactional sex in Monrovia, Liberia', *International Organization*, published online Oct. 2016, doi: <https://doi.org/10.1017/S0020818316000242>.

<sup>32</sup> 'Fears over Haiti child abuse', BBC News, 30 Nov. 2006, <http://news.bbc.co.uk/2/hi/6159923.stm>; Shukuko Koyama and Henri Myrntinen, 'Unintended consequences of peace operations in Timor Leste from a gender perspective', in Chiyuki Aoi, Cedric de Coning and Ramesh Thakur, eds, *Unintended consequences of peacekeeping operations* (New York: United Nations University Press, 2007), p. 34; ETAN Listserv, La'o Hamutuk, 2001, <http://etan.org/lh/news06.html>.

to their family's survival.<sup>33</sup> Interestingly, some peacekeepers have made similar arguments, positing that their sexual 'transactions' were acceptable because the 'donated' food, resources or money made the women involved more secure.<sup>34</sup>

It is important to recognize that it is not only peacekeepers and aid workers who participate in these transactional sex economies. Save the Children found in Liberia that a diverse range of men between 30 and 60 years old were involved in SEA; some were from the camp communities, but many were from outside, visiting or working in or near the refugee camps. These included 'sugar daddies', businessmen, video-club operators, 'big men' in the camps, government workers and officials, police officers, ex-combatants, Liberian soldiers, and teachers.<sup>35</sup> It is within these broader conflict and post-conflict economies that transactional sex involving interveners must be understood.

While both adults and children engage in transactional sex, and UN policies do not distinguish between the two, the implications of transactional sex with children and with adults differ significantly, and the majority of transactional sex reported in the literature relates to children.

Understanding the parameters of consent in relation to transactional sex is difficult, particularly where children are involved. The Zeid Report notes that some girls interviewed described 'rape disguised as prostitution', whereby the perpetrator 'pays' the victim afterwards in order to suggest a consensual transaction: this practice overlaps significantly with opportunistic sexual abuse as discussed above. There are also questions about how consent is determined by investigators: one child who reported being raped had her case recorded as 'transactional sex' rather than assault.<sup>36</sup> In addition to issues of consent, this sort of SEA can create situations of dependency, whereby those abused seek out further transactional encounters. A 14-year-old boy in South Sudan recounted that after being raped by a uniformed peacekeeper, he now returns regularly to the same spot in the hope he will be picked up by other peacekeepers and paid for his services.<sup>37</sup> It is important to note that reports have found that, even where consent to a transaction was granted, children have often been cheated out of promised payments.<sup>38</sup> At the other end of the spectrum, transactional relationships between consenting adults are murkier, and the prohibition of such relationships has been strongly criticized for disregarding women's capacity to give consent freely.<sup>39</sup>

It is clear that transactional sex economies arise in situations of poverty and insecurity, where wars contribute to the dissolution of social, familial and

<sup>33</sup> Save the Children, *From camp to community: Liberia study on exploitation of children* (London, 2006), p. 13; UNHCR/Save the Children, *Sexual violence & exploitation: the experience of refugee children in Guinea, Liberia and Sierra Leone* (London: Save the Children UK, 2002), p. 3.

<sup>34</sup> Paul Higate, 'Peacekeepers, masculinities, and sexual exploitation', *Men and Masculinities* 10: 1, 2007, p. 100.

<sup>35</sup> Save the Children, *From camp to community*, p. 11.

<sup>36</sup> Kevin Sieff, 'The growing U.N. scandal over sex abuse and "peacekeeper babies"', *Washington Post*, Bangui, 27 Feb. 2016, <http://www.washingtonpost.com/sf/world/2016/02/27/peacekeepers>.

<sup>37</sup> Kate Holt and Sarah Hughes, 'UN staff accused of raping children in Sudan', *Telegraph*, 2 Jan. 2007, <http://www.telegraph.co.uk/news/worldnews/1538476/UN-staff-accused-of-raping-children-in-Sudan.html>. For a more general discussion of the situation of dependency, see Zeid, *A comprehensive strategy*.

<sup>38</sup> Save the Children, *From camp to community*, pp. 12–13.

<sup>39</sup> Otto, 'Making sense of zero tolerance policies'; Simic, *Regulation of sexual conduct*.



economic structures that might provide protection from exploitation, especially for children. Jane Holl Lute, as the Assistant Secretary-General for PKOs, said that her 'operating presumption is that this is either an ongoing or potential problem in every single one of our missions'.<sup>40</sup> Because the economic motives for engaging in survival sex are high in many PKOs, some interveners have interpreted transactional sex and associated relationships as being driven by local women, who 'enthusiastically' compete to attract peacekeepers.<sup>41</sup> However, the underlying structural conditions of poverty and unequal power dynamics between interveners and locals creates a permissive environment in which transactional sex economies can thrive. As Spencer argues, in the context of the distorted power dynamics present in conflict, the expression of agency involved in exchanging sex for material goods or protection masks the fact that 'these exploitative circumstances do not involve real choices',<sup>42</sup> and can cause harm for the locals involved.

### *Networked SEA*

One of the most alarming revelations that emerged from peace operations in the Balkans was the involvement of peacekeepers in trafficking women from neighbouring countries into Kosovo and Bosnia and Herzegovina. Just as UNTAC's arrival vastly increased the demand for sex 'services', so the arrival of peacekeepers in Bosnia and Kosovo drove a rapid expansion of the sex industry. International personnel, particularly soldiers in the Stabilization Force, accounted for an estimated 70 per cent of profits made from prostitution in Bosnia, and an estimated 30–50 per cent of clients, and it is estimated that the vast majority of women working in brothels patronized by interveners were trafficked.<sup>43</sup> International personnel—particularly private contractors with the US firm DynCorp, but also military, police and civilian peacekeepers—were implicated in the use of prostitutes, sex trafficking, purchasing sex slaves (and, in some cases, purchasing illegal weapons from brothel owners) and covering up illegal activities.<sup>44</sup> There is even evidence that peacekeepers patronized brothels operated out of Serb-run concentration camps outside Sarajevo.<sup>45</sup> Officials testified that there was no 'legitimate' sex industry separate from trafficking and forced prostitution, and that this fact was 'not acknowledged or [was] disregarded by many UN peacekeepers who involved themselves with prostitution in Bosnia. Others knowingly become

<sup>40</sup> Quoted in 'Fears over Haiti child abuse'.

<sup>41</sup> Higate, 'Peacekeepers', p. 106.

<sup>42</sup> Sarah W. Spencer, 'Making peace: preventing and responding to sexual exploitation by United Nations peacekeepers', *Journal of Public and International Affairs* 16: 1, 2005, p. 171.

<sup>43</sup> Barbara Limanowska, *Trafficking in human beings in southeastern Europe* (Sarajevo: UNICEF, 2002), p. 65; Sarah Mendelson, *Barracks and brothels* (Washington DC: Center for Strategic and International Studies, 2005), p. 9.

<sup>44</sup> Kathleen Jennings and Vesna Nikolić-Ristanović, 'UN peacekeeping economies and local sex industries', MICROCON working paper (Brighton: University of Sussex, 2009), pp. 10–11; Human Rights Watch, *Hopes betrayed: trafficking of women and girls to post-conflict Bosnia and Herzegovina for forced prostitution*, vol. 14, no. 9 (D), New York, November 2002, <https://www.hrw.org/reports/2002/bosnia/Bosnia1102.pdf>; Gabrielle Simm, *Sex in peace operations* (Cambridge: Cambridge University Press, 2015), p. 304; Kathryn Bolkovac and Cari Lynn, *The whistleblower* (New York: Palgrave Macmillan, 2011).

<sup>45</sup> Peter Andreas, *Blue helmets and black markets* (Ithaca, NY: Cornell University Press, 2008), pp. 47–8.

deeply involved in the sex slave trade in partnership with organized crime.<sup>46</sup> Similar accounts emerged in Kosovo, and in both places neither trafficking nor forced prostitution was a significant issue before the arrival of peacekeepers.<sup>47</sup> It is important to note that such peacekeeping economies tend to outlast PKOs, 'shaping gendered economic and social power relations in the long term' and embedding sex work and trafficking in the post-war economy.<sup>48</sup>

The connection with criminal networks makes this form of SEA distinct from transactional sex. Interveners not only interact with intermediaries or criminal networks to gain access to women (as distinct from the more direct negotiations characterizing transactional sex), but may be directly engaged in profit-making themselves. For instance, Italian peacekeepers allegedly ran child prostitution rings from their barracks in Sarajevo while Ukrainians smuggled contraband and women.<sup>49</sup> In East Timor, the demand for sex services after the arrival of the UN Transitional Administration led to the emergence of an internationalized sex industry, with women trafficked from Thailand.<sup>50</sup> Thus, even where interveners are not involved in trafficking, they may be implicated in networked SEA by patronizing brothels that are.

The close links between this form of SEA and criminal networks, as well as the extensive coordination involved, distinguish this form of SEA from the others discussed. The links with money and profit, and the planned nature of this form of SEA, are crucial to understanding its presence in peace operations and the factors that create the permissive environments in which it flourishes.

## Taking stock: understanding the causes of SEA

The analysis presented above demonstrates that incidences of SEA are distinguishable on the basis of the extent to which they were perpetrated opportunistically, whether there was negotiation or a transaction involved, whether they were connected to criminal networks, and whether they were sadistic and planned. It is also clear that while there is great variation among these four forms of SEA, there are some areas of overlap—particularly when behaviours involve both coercion and transactions. However, the analysis also suggests that the differences between these behaviours are perhaps greater than the overarching descriptor 'sexual exploitation and abuse' suggests: while they are all united by the sexual nature of the behaviours involved, in practice the behaviours are only loosely related—rape is a world away from negotiated, consensual transactional sex, even in a context of unequal power dynamics, and sex trafficking for personal profit is markedly different from sadistic sexual torture. It is worth considering whether the wide

<sup>46</sup> Hearing before the Subcommittee on International Operations and Human Rights, 'The UN and the sex slave trade in Bosnia', 2002, [http://commdocs.house.gov/committees/intlrel/hfa78948.000/hfa78948\\_o.HTM#65](http://commdocs.house.gov/committees/intlrel/hfa78948.000/hfa78948_o.HTM#65).

<sup>47</sup> Amnesty International, 'So does it mean that we have the rights?' *Protecting the rights of women and girls trafficked for forced prostitution in Kosovo* (London, 2004), pp. 7–8.

<sup>48</sup> Jacqui True, *The political economy of violence against women* (Oxford: OUP, 2012), p. 141; Jennings and Nikolić-Ristanović, 'UN peacekeeping economies', p. 9.

<sup>49</sup> Authors' Skype interview with senior UN official located in Washington DC, 2016.

<sup>50</sup> Koyama and Myrntinen, 'Unintended consequences', p. 33.

variation in types of SEA renders the category 'SEA' unusable. We argue that, for the purposes of policy response, it remains a usable although imperfect category: usable because organizations require categories broad enough to allow for policy development, and because, as we show below, the conditions for all four forms of SEA coexist in most peacekeeping contexts, but combine in different ways to produce different behaviours. Furthermore, as long as the UN keeps using the label it will remain the key frame for understanding policy responses, particularly in terms of what they are understood to cover, and what they obscure. So, what gives rise to these various forms of behaviour?

The sexual nature of these behaviours, and the fact that they are perpetrated predominantly by men, illuminate the central role gender constructs play in making the SEA of local people a necessary or desirable element of the performance of masculinity. By understanding sexual violence as an act related to social power, we can see SEA as irrevocably connected to gendered power dynamics and the performance of masculinity. This explanation is supported by the accounts of some peacekeepers: peacekeepers have told researchers that they need to prove they are not homosexual by 'going out and getting a woman', that disciplining soldiers for sexual harassment '[limits] the military's capacity to produce effective soldiers',<sup>51</sup> and that they needed to 'satisfy' their sex drives as a fundamental component of their masculinity.<sup>52</sup> Scholars have also demonstrated how the production of hegemonic masculinities in contemporary society entrenches the dominant position of men over women, thereby facilitating SGBV even outside militarized contexts—for instance, as perpetrated by aid workers.<sup>53</sup> However, as Kirby shows, attributing causal responsibility for the perpetration of SEA to gender orders and structures, such as masculinity or patriarchy, may inadvertently mask both individual and collective moral responsibility: individual men make choices about their sexual behaviours, and groups can act as bystanders, facilitators and beneficiaries of those behaviours.<sup>54</sup> It is therefore necessary to look beyond masculinity as an explanation to understand the broader range of factors that supplement gender orders to explain the phenomenon of intervener SEA.

Henry's analysis of peacekeeper SEA highlights the range of factors that have been marshalled to explain CRSV and military prostitution in feminist scholarship: military cultures; the politics of 'race' in civilian–military relations; the role international relations and international governments have played in systems of military prostitution; economies shaped by a military presence; and the intersection of interests between international and local actors in the control of women's sexuality and bodies.<sup>55</sup> Most of these featured in our analysis above. Opportunistic sexual assault is facilitated by the intersection of unregulated situations into which peacekeepers are deployed, military cultures and gendered norms of sexual

<sup>51</sup> Razack, 'From the "clean snows of Petawawa"', p. 138.

<sup>52</sup> Higate, 'Peacekeepers', p. 106.

<sup>53</sup> R. Connell and J. Messerschmidt, 'Hegemonic masculinity', *Gender and Society* 19: 6, 2005, pp. 829–59.

<sup>54</sup> Paul Kirby, 'Refusing to be a man?', *Men and Masculinities* 16: 1, 2012, pp. 93–114.

<sup>55</sup> Marsha Henry, 'SEA in UN peacekeeping missions', in Anne Phillips, Sumi Madhok and Kalpana Wilson, eds, *Gender, agency, and coercion* (Basingstoke: Palgrave Macmillan, 2013), p. 127.

behaviour. Transactional sex economies develop in the context of deprivation, poverty and material inequality between interveners and locals, where survival sex is a way to secure basic needs. Networked SEA occurs in unregulated profit-seeking contexts where criminal trafficking or prostitution networks exist and prosper by co-opting interveners in their operations—and is underpinned by the long and institutionalized history of military prostitution. As Enloe has argued, ‘there is nothing inherent in [PKOs] that makes soldiers immune to the sort of sexism that has fuelled military prostitution in wartime and peacetime’.<sup>56</sup> And sadistic, planned sexual abuse appears driven by opportunism, the perversions of individuals working in unregulated environments and the shadows of colonial violence.<sup>57</sup> Razack found such violence to be ubiquitous in peace operations and the product of latent colonialism in the peacekeeping project.<sup>58</sup> The relevance of colonialism is underlined by the explanation given by the French civilian peacekeeper with the UN Mission in the Democratic Republic of Congo (MONUC) who admitted having sex with 24 under-age girls in 2004—‘over there,’ he said, ‘the colonial spirit persists. The white man gets what he wants.’<sup>59</sup>

We can therefore see that a range of factors intersect with gender orders and structures to create conditions in which SEA is perpetrated in a number of distinguishable forms. Our analysis suggests not that particular contexts directly *cause* certain types of SEA, but rather that the conditions for all four types of SEA coexist in most PKO contexts: it is the way in which local, international, normative and systemic factors interact with one another and with PKOs that gives rise to distinct forms of SEA. Understanding these intersections and interactions is crucial to developing robust policy responses, and it is to the question of the effectiveness of policy responses that we now turn.

### Policy responses: doomed to failure?

Since the UN’s adoption of the Secretary-General’s zero-tolerance bulletin, successive revelations about SEA in peace operations have prompted renewed cycles of policy development, which generally fall into three groups of actions: prevention, enforcement and, recently, addressing the impacts of SEA on survivors. However, several legal frameworks and policies governing the conduct of peacekeepers were already in place before the flurry of policy development sparked by the revelations in west Africa. The UN Charter mandates the UN to promote and encourage respect for human rights, and establishes a baseline standard that staff must act with the ‘highest standards of efficiency, competence and integrity’.<sup>60</sup> Standards of conduct for the UN’s International Civil Service were issued in

<sup>56</sup> Enloe, *Maneuvers*, p. 101.

<sup>57</sup> Razack, ‘From the “clean snows of Petawawa”’, p. 129.

<sup>58</sup> Sherene Razack, *Dark threats and white knights* (Toronto: University of Toronto Press, 2004).

<sup>59</sup> ‘UN civilian worker in DRC accused of child molestation’, UN News Service, 1 Nov. 2004, <http://reliefweb.int/report/democratic-republic-congo/un-civilian-worker-dr-congo-accused-child-molestation>; Muna Ndulo, ‘UN responses to the SEA of women and girls by peacekeepers during peacekeeping missions’, *Berkeley Journal of International Law* 27: 1, 2009, p. 144.

<sup>60</sup> Charter of the United Nations, art. 101.

1954, and revised in 2001 and 2013. While the newest version does not explicitly address SEA, the document codifies expectations in relation to harassment and abuse of authority, behaviour outside the workplace and violations of law.<sup>61</sup> International human rights law (IHRL) also outlines general obligations applicable to international interveners, primarily through the International Bill of Rights, which aims to protect human life and dignity, prohibit discrimination, and protect against torture or other cruel, inhumane and degrading treatment. It provides for the protection of women and vulnerable groups, including children and displaced persons. UN principles and guidelines have stated that PKOs should seek to advance human rights while carrying out their mandates,<sup>62</sup> and the Special Committee on PKOs has insisted 'on the need for compliance with obligations under [IHRL] and international humanitarian law' and prohibited 'all acts of exploitation ... and all forms of abuse'.<sup>63</sup>

In 1998 two further documents governing peacekeepers' conduct were released. *We are United Nations peacekeepers* describes PKOs as the embodiment of global aspirations for peace, and emphasizes that the purpose of peacekeepers is to help a country recover from conflict and trauma. Given the protective and restorative nature of PKOs, and combined international and local expectations, all personnel must observe the highest standards of conduct in order to maintain mission integrity.<sup>64</sup> Peacekeepers are expected to be professional, disciplined and dedicated to achieving UN goals; to understand and comply with specific mission objectives; and never to engage in activities that might cause harm to the local population, particularly women and children, or become involved in sexual liaisons that might damage the well-being of others or the mission's impartiality. The *Ten rules: code of personal conduct for blue helmets* synthesized these aspirations, and included instructions to dress, think, talk, act and behave in such a way as to preserve the dignity of a disciplined force that is 'caring, considerate, mature, respected and trusted'.<sup>65</sup>

In 2002, the west Africa scandal sparked a wave of policy responses both within the UN and in the broader international humanitarian community. These built on the earlier statements of principle, and attempted to develop stronger regulatory policies. In April, the Inter-Agency Standing Committee (IASC), the primary mechanism for facilitating inter-agency decision-making in complex humanitarian emergencies, issued a policy statement on protection from SEA in humanitarian crises.<sup>66</sup> The statement adopted six core principles relating to SEA, specifying that sexually exploitative and abusive activities by IASC staff and implementing partners are prohibited, and that perpetrators will be held accountable. The state-

<sup>61</sup> International Civil Service Commission, *Standards of conduct for the International Civil Service* (New York: UN, 2013).

<sup>62</sup> UN Department of Peacekeeping Operations (DPKO), *UN peacekeeping operations: principles and guidelines* (New York: UN, 2008), p. 14, [http://www.un.org/en/peacekeeping/documents/capstone\\_eng.pdf](http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf).

<sup>63</sup> UNGA, 'Report of the Special Committee on Peacekeeping Operations and its Working Group at the 2005 substantive session A/59/19', 1 March 2005, para. 52.

<sup>64</sup> DPKO, *We are United Nations peacekeepers* (New York: UN, 1998), p. 1, [http://www.un.org/en/peacekeeping/documents/un\\_in.pdf](http://www.un.org/en/peacekeeping/documents/un_in.pdf).

<sup>65</sup> DPKO, *Ten rules: code of personal conduct for blue helmets* (New York: UN, 1998), p. 1, [http://pseataaskforce.org/uploads/tools/tenrulescodeofpersonalconductforbluehelmets\\_undpko\\_english.pdf](http://pseataaskforce.org/uploads/tools/tenrulescodeofpersonalconductforbluehelmets_undpko_english.pdf).

<sup>66</sup> 'IASC policy statement on protection from SEA in humanitarian crises' (New York: IASC, 2002).

ment committed agencies to the adoption of codes of conduct setting minimum standards of behaviour, and to the establishment of monitoring and disciplinary mechanisms. In late 2002 the Secretary-General issued a bulletin on the status, basic rights and duties of UN staff which prohibited workplace sexual harassment and physical or verbal abuse.<sup>67</sup> This was followed by the zero-tolerance bulletin, which incorporated IASC principles and obliged UN staff to report abuse.<sup>68</sup> It binds all members of a PKO either directly, if they are civilian personnel, or through memorandums of understanding with troop-contributing countries (TCCs).<sup>69</sup>

The humanitarian community responded immediately, forming the IASC Taskforce on Protection from SEA in Humanitarian Crises. It produced practical guidance and tools for operational actors including complaints and investigation procedures, a model information sheet and complaints referral form, field implementation guidelines for the Secretary-General's bulletin, and scenarios covering prohibited acts.<sup>70</sup> These largely preventive approaches were not sufficient to stem peacekeeper SEA.

In May 2004, reports of peacekeeper SEA in IDP camps in Bunia jolted the UN into a new wave of policy development, with a shift in focus from prevention to enforcement. The Special Committee on PKOs requested the Secretary-General to provide a comprehensive report and strategy on peacekeeper SEA.<sup>71</sup> Introducing the Zeid Report to the General Assembly, the Secretary-General described existing measures to address SEA as 'manifestly inadequate' and called for a fundamental shift in approach.<sup>72</sup> The report presented the problem of SEA in relation to four themes: rules on standards of conduct; the investigative process; organizational, managerial and command responsibility; and individual disciplinary, financial and criminal accountability.<sup>73</sup> The report's recommendations were comprehensive, with an emphasis on agency systems to strengthen accountability.

However, while the UN at the global level was concerned with enforcement and accountability, field missions were still grappling with basic implementation issues. In a review of MONUC's response to SEA in the aftermath of the Zeid Report, the former director of the Office for Addressing SEA in MONUC described the policy vacuum the office encountered when it began operating in 2005. Despite the overarching frameworks prohibiting SEA, there were no rules or procedures for conducting investigations, the UN's responsibility to victims

<sup>67</sup> UNSG, 'Secretary-General's Bulletin: status, basic rights and duties of United Nations staff members ST/SGB/2002/13', 1 Nov. 2002.

<sup>68</sup> UNSG, 'Secretary-General's Bulletin: special measures for protection from sexual exploitation and sexual abuse'.

<sup>69</sup> Bruce Oswald, Helen Durham and Adrian Bates, *Documents on the law of UN peace operations* (Oxford: Oxford University Press, 2010).

<sup>70</sup> These documents are available at [www.pseataaskforce.org](http://www.pseataaskforce.org).

<sup>71</sup> UNGA, 'Report of the Special Committee on Peacekeeping Operations and its Working Group on the 2007 resumed session A/61/19 (Part III)', 11 June 2007.

<sup>72</sup> UNSG, 'Comprehensive review of the whole question of peacekeeping operations in all their aspects A/59/710', 24 March 2005.

<sup>73</sup> Zeid, *A comprehensive strategy*.

was unclear, and there was no guidance on how to address paternity claims.<sup>74</sup> In documenting the lessons to be learned from MONUC, Dahrendorf argued that managers and commanders should be given training that equipped them to create and maintain an environment that prevents SEA and mitigated their tendency to 'downplay' or cover it up, and that mission-specific training describing the impact and context of SEA was also necessary.<sup>75</sup>

This call for a broader policy approach that goes beyond a rules-based framework has gone largely unheeded, and while the introduction of new operational directives such as curfews, non-fraternization policies, requirements to wear uniforms outside compounds and off-limits locations saw a decrease in reported incidents, reports suggest that SEA has simply been pushed underground.<sup>76</sup> Further, the focus on investigation procedures conflicts with the reality that SEA is likely to be under-reported and is notoriously difficult to 'prove' to UN investigative standards,<sup>77</sup> for a range of reasons, including the refusal of many victims to give evidence against soldiers because of fear of retribution; the difficulty of acquiring witness evidence because of the movement of people in crises; confusion over who is responsible for investigating; the departure or repatriation of alleged perpetrators, and the UN's lack of authority over TCCs regarding investigative processes; and the reluctance of officials—in both UN missions and TCCs—to hold perpetrators accountable.<sup>78</sup>

In 2008 policy responses began shifting from administrative procedures to addressing the protection and assistance needs of individuals and families affected. While the Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the UN General Assembly in 1985 clearly established norms of access to justice and fair treatment, restitution, compensation and assistance,<sup>79</sup> these were not applied by the UN or member states to peacekeeper SEA, highlighting the way in which issues relating to SEA have been isolated from other relevant policy frameworks. In 2008, the UNGA introduced the first Comprehensive Strategy on Assistance and Support to Victims of SEA by UN Staff and Related Personnel, with the aim of ensuring that complainants, survivors and children receive appropriate medical, legal, psychosocial and other assistance (except compensation) in an effective manner.<sup>80</sup>

<sup>74</sup> Nicola Dahrendorf, *SEA: lessons learned study* (New York: DPKO, 2006), p. 4.

<sup>75</sup> Dahrendorf, *SEA*, pp. 11–14.

<sup>76</sup> Dahrendorf, *SEA*, pp. 13–14; Grady, 'Sex, statistics, peacekeepers and power', p. 942; Deschamps et al., *Taking action on SEA by peacekeepers*, p. 16.

<sup>77</sup> Deschamps et al., *Taking action on SEA by peacekeepers*, p. 16.

<sup>78</sup> Stern, *Reducing sexual exploitation and abuse in UN peacekeeping*, Civilians in Conflict policy brief no. 1 (Washington DC: Stimpson Center, 2015), pp. 13–17; Holt and Hughes, 'Sex and death in the heart of Africa'; Deschamps et al., *Taking action on SEA by peacekeepers*, pp. i, iv, 77–8; Róisín Burke, *SEA by UN military contingents* (Leiden: Brill, 2014); CHS Alliance, 'Investigation of cases of SEA by aid workers', background paper to 2016 PSEA Conference, [http://www.chsalliance.org/files/files/Resources/Articles-and-Research/Investigation-of-cases-of-sexual-exploitation-and-abuse-by-aid-workers\\_challenges-and-recommendations.pdf](http://www.chsalliance.org/files/files/Resources/Articles-and-Research/Investigation-of-cases-of-sexual-exploitation-and-abuse-by-aid-workers_challenges-and-recommendations.pdf); Bolkovac and Lynn, *The whistleblower*.

<sup>79</sup> UNGA, 'Declaration of basic principles of justice for victims of crime and abuse of power', A/RES/40/34, 29 Nov. 1985.

<sup>80</sup> UNGA, 'UN Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by UN Staff and Related Personnel', A/RES/62/214, 7 March 2008, p. 2.

In 2010, the IASC commissioned a global review of protection from SEA to investigate policy implementation. The review was damning. It found that despite seven years of policy implementation, understanding and acceptance of policies by staff and managers remained low, leadership by senior managers was critically absent; policies and guidance had generally not been communicated to the field; and implementation was 'patchy, poor or non-existent'.<sup>81</sup> In response, the IASC re-established its Task Force on Protection from SEA in Humanitarian Crises, whose work had in 2005 been taken up by the UN and NGO SEA Task Force of the Executive Committees on Humanitarian Affairs and Peace and Security. The re-established taskforce was instructed to develop operational guidance, produce minimum operating standards for protection from SEA as a requirement for all agencies, and reinforce the need to appoint dedicated agency focal points and raise awareness of the risk of SEA.<sup>82</sup>

Following revelations of SEA by French Sangaris soldiers in the CAR discussed above, an independent panel documented 'gross institutional failure' within the UN response, pointing out that survivors received inadequate care and protection, additional victims were not followed up, and the head of mission failed to take any action to end abuse or report allegations.<sup>83</sup> Importantly, the report acknowledged that the Sangaris forces were not bound by UN SEA frameworks, as they were not under UN command; and it called for a fundamental shift in how the UN, including TCCs, understands and frames SEA. The panel argued that SEA can no longer be perceived as simply a conduct and discipline issue, but should be understood as a violation of basic human rights and as a form of CRSV, triggering the UN's protection responsibilities, regardless of whether the perpetrator is under UN command.<sup>84</sup> The panel's recommendations included harmonizing SEA and human rights policies, developing processes to promote criminal accountability for sexual violence, establishing a trust fund for victims and setting up deployable professional investigative teams. Further, the panel chastised the High Commissioner for Human Rights—Prince Zeid, who had written the key 2005 review of SEA—for his inadequate response to the CAR allegations and his treatment of the whistleblower.

The CAR scandal also led to a shift in the UN leadership's language around SEA. First, the Secretary-General demanded the resignation of General Babacar Gaye, his Special Representative and head of mission, who had ignored reports of SEA occurring. Then the Secretary-General declared to the UNSC that the Secretariat alone could not adequately address the 'global scourge' of SEA by troops in peace operations, and placed responsibility for ensuring justice for victims 'squarely' on TCCs.<sup>85</sup>

<sup>81</sup> IASC, *Global review of protection from SEA* (Geneva: UN Office for the Coordination of Humanitarian Affairs, 2010).

<sup>82</sup> IASC, 'Minimum operating standards', 2016, <https://interagencystandingcommittee.org/accountability-affected-populations-including-protection-sexual-exploitation-and-abuse/content-1>.

<sup>83</sup> Deschamps et al., *Taking action on SEA by peacekeepers*, p. i.

<sup>84</sup> Deschamps et al., *Taking action on SEA by peacekeepers*, pp. ii–iii.

<sup>85</sup> UNSG, 'Secretary-General's remarks to Security Council consultations on the situation in CAR' (New York: UN, 2015), <http://www.un.org/sg/statements/index.asp?nid=8903>.



This strong invocation of states' responsibility for addressing SEA in PKOs suggests that the Secretariat recognizes that its policies are not working, and that it needs to work harder to co-opt TCCs and other areas of work (such as human rights) into the framework. In addition, the Secretary-General mandated more detailed OIOS reporting, including information on the type of personnel involved, their nationality, the number of victims and their age, the allegation and whether a paternity claim has been made<sup>86</sup>—effectively 'naming and shaming' TCCs into holding their own peacekeepers accountable. Finally, the Secretary-General appointed Jane Holl Lute as the first Special Coordinator on Improving UN Response to SEA. The Special Coordinator later emphasized that SEA was not a problem only in the context of UN peacekeeping, but was 'a particular problem wherever women, children and [the] vulnerable are present',<sup>87</sup> suggesting, as we have done in this article, that dealing with SEA in isolation from issues of gender, vulnerability and context misrepresents the nature of the problem.

Later in 2016 the UNSC adopted Resolution 2272, endorsing the Secretary-General's decision to repatriate military or police units of a contingent where 'credible evidence of widespread or systematic' SEA by that unit exists. The Council requested that the Secretary-General replace all units of a troop-contributing or police-contributing country in a PKO where that country fails to appropriately investigate allegations against their personnel, hold perpetrators accountable or inform the Secretary-General of progress in investigations.<sup>88</sup> Enhanced measures to strengthen prevention include a Secretariat-wide communications strategy, a new e-learning programme for all mission personnel and a request that TCCs certify that personnel have not previously engaged in misconduct in UNPKOs.<sup>89</sup> Resolution 2272 was met with resistance in the UNSC from Egypt and Russia, which argued that the policy amounted to 'collective punishment'. This indicates an underlying problem with existing responses to SEA: they assume that all actors perceive such acts to be antithetical to their goals in PKOs. In reality, there are multiple motivations for TCCs to contribute to PKOs, and not all are aligned with the protection of civilians and embodiment of UN principles.

The UN and the international humanitarian community have been pursuing successive rounds of policy development regarding SEA since the first media storms in 2002. Scholars have argued that this strong emphasis on SEA after 2002 represented in part an attempt by the UN to deal with the credibility crisis sparked by the unauthorized US-led invasion of Iraq in 2003, the 'oil for food' corruption scandal, the release of the film *Hotel Rwanda* which showcased UN failures, and the publication of *Emergency sex and other desperate measures*, which documented the experiences of UN staff in failing PKOs.<sup>90</sup> It also reflects the increased attention to

<sup>86</sup> UN CDU, 'Status of allegations, investigations and actions'.

<sup>87</sup> Nicholas Flack, 'Interview with Jane Holl Lute', UN Information Centre, Canberra, 28 June 2016, <http://un.org.au/2016/07/28/interview-with-jane-holl-lute-special-coordinator-on-improving-the-united-nations-response-to-sexual-exploitation-and-abuse>.

<sup>88</sup> UNSC, S/RES/2272 on UN Peacekeeping Operations, 11 March 2016.

<sup>89</sup> UNSG, 'Special measures for protection from sexual exploitation and sexual abuse A/70/729', 16 Feb. 2016.

<sup>90</sup> Grady, 'Sex, statistics, peacekeepers and power', p. 932; Dahrendorf, *SEA*, p. 3; Kenneth Cain, Heidi Postlewaite and Andrew Thomson, *Emergency sex and other desperate measures* (London: Ebury Press, 2004).

the experiences of women in war associated with UNSCR 1325, which may help to explain the sustained media attention on SEA in PKOs which has played a key role in prompting policy development. Yet, despite this attention, policy developments remain ineffective: SEA continues to occur across all PKOs, perpetrators are rarely held accountable, and actual rates of SEA are probably much higher than reported owing to flaws in the UN's data collection and investigation processes. A number of themes have been identified that help to explain why policies have failed: the cyclical and reactive nature of policy development; the gulf between policy development at international level and mission-level implementation; the focus on individualized compliance rather than structural and contextual issues, which is underpinned by framing SEA as one particular sort of misconduct; the isolation of SEA policy from other relevant international policy frameworks; the assumption that authorities see it as in their interests to prevent SEA and ensure accountability; and the UN's structure, which makes the organization vulnerable to both member-state interests which may not align with UN principles, and bureaucratic imperatives that undermine effective policy development and implementation.

### **An inevitable cycle of failure?**

One of the clearest themes emerging from our analysis is that, despite powerful statements about the 'cancer' of SEA and the UN's commitment to addressing it, the advancement of SEA policy has been largely reactive, occurring in surges prompted by public outcry at incidents reported in the international media. Despite multiple prevention initiatives, and annual reporting of allegations since 2003, international interveners, particularly the UN, maintain a defensive policy stance. This trend, which culminated in the 2015 CAR scandal wherein the UN hierarchy suppressed the release of the report on child SEA and did not address policy deficiencies until the report was leaked, raises the question whether the organization is more concerned with image control than with protecting civilians. While the UN is undeniably invested in image protection and in demonstrating its centrality to the project of international peace and security, it has also devoted significant resources towards SEA prevention and response, which constitute just one of the challenges facing PKOs. The failures of peacekeepers to fulfil protection mandates, the failure to establish durable peace in countries despite decades of peacebuilding work, systemic corruption and a crippling low budget are other serious issues facing UN peacekeeping—to say nothing of challenges to the organization's credibility internationally. Paradoxical though it may seem, the organization seems concerned with both protecting its image *and* developing a robust SEA framework; but the former creates incentives to downplay difficulties in the latter (including by adopting definitions of 'rape' and 'trafficking' weaker than those internationally accepted), thereby impairing the chances of arriving at robust assessments of SEA allegations and policy which might lead to improved approaches. So what does a robust assessment of the policy framework suggest about its failure?

One key weakness is that policy has been developed at the international level in response to major media events with little input from the field about challenges already faced in implementing SEA policies. New rounds of policies have been designed to embody global statements of principle, commitment and intent, such as the zero-tolerance rhetoric, rather than to address the technical, conceptual or implementation weaknesses of earlier policies. As Dahrendorf's report showed, new policies have been launched into a vacuum in PKOs which have neither the capacity nor the expertise to implement them properly. The other side of this problem is that policies developed at the international level reflect an individualized understanding of SEA, and target individual compliance through standards of conduct, recruitment standards and training, rather than addressing the complex mixture of factors operating in distinct ways on the ground that produce SEA. This individualized understanding of SEA masks the diverse range of factors that create circumstances in which individuals choose to exploit or abuse, and obscures the practical challenges that middle- to high-ranking officials pose when they refuse to deal with allegations or are simply too occupied with 'hard security' issues to take 'gender issues' seriously.<sup>91</sup> Further, a compliance-based approach assumes that robust accountability mechanisms will deter breaches of rules—a logic for which there is little evidence in relation to CRSV,<sup>92</sup> and which is further undermined by the low rates of criminal charges or material punishments for perpetrators of SEA.

This individualized approach prioritizes individual training as a cornerstone of policy dissemination and enforcement. The problem facing the Department of Peacekeeping Operations is the volume of personnel required to undertake mandatory training: latest statistics show 117,306 military and civilian personnel from at least 125 countries serving in 16 PKOs.<sup>93</sup> The vast number of personnel poses the risk that training becomes more an administrative requirement than a tool for effective prevention. Recent moves towards e-learning programmes suggest a pedagogy focused more on conveying rules and procedural compliance than on engaging participants to think critically and confront the sexism, discrimination, exclusion, inequality, formulations of masculinity and gender norms that we have shown are necessary preconditions for SEA.<sup>94</sup> Further, prohibitions on sexual harassment are contained in separate policies, and the presence of sexualized behaviour has not been recorded among the risk factors for SEA, all of which suggests that SEA is considered an issue rather than a form of behaviour that occurs along a spectrum of other acceptable and unacceptable behaviours.

This focus on training, and the individualization of responsibility, betray a broader trend in dealing with gender issues at the international level: that technocratic 'fixes' have taken prominence over efforts to address underlying causes of

<sup>91</sup> Jasmine-Kim Westendorf, "'Add women and stir': RAMSI and Australia's implementation of UNSCR 1325', *Australian Journal of International Affairs* 67: 4, 2013, pp. 13–14.

<sup>92</sup> Paul Kirby, 'Ending sexual violence in conflict', *International Affairs* 91: 3, May 2015, p. 464.

<sup>93</sup> UN Peacekeeping, 'Peacekeeping fact sheet', 31 Dec. 2016, <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml>.

<sup>94</sup> Fionnuala Ni Aolain, 'The "war on terror" and extremism: assessing the relevance of the Women, Peace and Security agenda', *International Affairs* 92: 2, March 2016, pp. 275–91.

gendered inequality and violence. At the international level, increasing women's participation in decision-making processes, or gender balancing, has been prioritized over gender mainstreaming which involves incorporating a gender analysis and perspective into all policies and programmes, partly because it makes less prominent the need to address the fundamental and persistent inequalities between women and men that give rise to women's disenfranchisement.<sup>95</sup> In SEA policy, by focusing on the technocratic elements of responding to SEA—disseminating information on rules, adopting administrative investigation procedures and establishing bureaucratic structures responsible for such processes—the international community appears to be taking concrete steps to address SEA, while inadvertently reinforcing the image of local women and children as victims and undermining more nuanced responses to SEA.<sup>96</sup> The 'train and punish' logic that characterizes SEA policy also relies on the assumption that technocratic policy 'fixes' are appropriate responses to complex social, political and economic issues. Krook and True have shown how 'the more easily quantifiable nature of gender balance has led it to be seen increasingly as an end in itself', rather than one element in gender mainstreaming.<sup>97</sup> The same can be said of SEA policy, where an emphasis on quantifiable policies has trumped complex responses, as evidenced by the prominence of labelling, counting and reporting mechanisms in rounds of policy development.

The individualization of SEA has also isolated SEA frameworks from others concerned with protecting civilians. In contrast to other humanitarian protection efforts—which have an explicit and intersectional rights-based framework that recognises the overlapping sources and structures of discrimination, deprivation and human rights violations—the normative legal frameworks underpinning protection from SEA have been largely overlooked in favour of codes of conduct, training and reporting. On an operational level, by focusing on individual conduct and discipline issues, SEA policy remains disconnected from the protection of civilians and child protection frameworks, which are designed to recognize and respond to the factors of vulnerability that might exist and be exploited in humanitarian contexts. Perhaps more surprisingly, SEA policy has been pursued in isolation from broader WPS frameworks at the UN level—despite the fact that they emerged as issues at the same time, and despite synergies in terms of addressing the underlying causes of women's exclusion from decision-making and of women's particular vulnerabilities in postwar contexts, and ensuring gender-sensitive programming. This is particularly surprising given the relevance of the broad operational influences on SEA we identified above that go beyond individual

<sup>95</sup> Soumita Basu, 'Gender as national interest at the UN Security Council', *International Affairs* 92: 2, March 2016, pp. 255–73.

<sup>96</sup> For a discussion of how this has operated in relation to WPS frameworks, see Sam Cook, 'The "woman-in-conflict" at the UN Security Council', *International Affairs* 92: 2, 2016, p. 355.

<sup>97</sup> Mona Lena Krook and Jacqui True, 'Rethinking the life cycles of international norms', *European Journal of International Relations* 18: 1, 2010, p. 120. For an analysis of the logic and politics behind labelling and counting, see Grady, 'Sex, statistics, peacekeepers and power', pp. 931–60. For a discussion of how monitoring and evaluation frameworks provide incentives for policies with easily measurable results, see Jasmine-Kim Westendorf, *Why peace processes fail* (Boulder: Lynne Rienner, 2015), pp. 225–8.

gendered behaviours: linking SEA and WPS would open up wider intellectual and institutional frameworks for SEA policy.

This failure to link SEA policies with other relevant frameworks hints at a broader challenge facing UN policies and systems: namely, the UN's 'genetic defect', which holds it hostage to both member states' interests and bureaucratic imperatives and limitations. As an organization driven by and accountable to state interests, which does not have authority over the conduct of uniformed peacekeepers contributed by member states to PKOs, the UN not only is structurally limited in its capacity to effectively enforce accountability for SEA, but also has an incentive to demonstrate that existing policies are working in order to justify funding allocations by member states. The pressure to report on successes operates at both UN and individual level. For example, Jacques Klein, head of the UN Mission in Bosnia and Herzegovina, was complicit in suppressing revelations that peacekeepers were involved in trafficking—it was in his interests to assert that he was maintaining order and standards of conduct so as to protect his reputation and employment opportunities.<sup>98</sup> There is, then, a fundamental problem in that the UN bureaucracy is in the position of auditing and reporting on itself in relation to conduct breaches—the bureaucratic imperatives to demonstrate order, control and success militate against robust investigations and reporting.

The bureaucratic imperatives to demonstrate success also help explain how broad statements of intent have been translated into narrow policy frameworks with measurable outcomes—training, counting, reporting—that are isolated from other areas of the organization's work. This does not apply to SEA policy alone. The Preventing Sexual Violence Initiative has experienced a similar narrowing of scope from broad concern about the gendered nature of violence in conflict and post-conflict situations to policies focusing on violence against *women* specifically.<sup>99</sup> The same challenge faced the WPS agenda, with its broad focus on redressing women's disenfranchisement in peace processes and foregrounding gender-sensitive programming sidelined by the more manageable goal of addressing CRSV, which precludes critical engagement with broader concepts of gender, violence and security.<sup>100</sup> By emphasizing the need for measurable, short-term outcomes, bureaucratic pressures have depoliticized 'gender' and rendered it a technocratic tool in the UN bureaucracy, one that labels and counts in ways that conflict with the broader political concerns underpinning feminist scholarship and activism.<sup>101</sup> However, there has been a growing movement in both academic and policy circles to reconstruct the broader meaning of WPS.<sup>102</sup> If stronger linkages were made

<sup>98</sup> Bolkovac and Lynn, *The whistleblower*.

<sup>99</sup> Kirby, 'Ending sexual violence in conflict', p. 470.

<sup>100</sup> Paul Kirby and Laura J. Shepherd, 'The futures past of the women, peace and security agenda', *International Affairs* 92: 2, 2016, pp. 379–80.

<sup>101</sup> Cook, 'The "woman-in-conflict" at the UN Security Council', p. 355; Amanda Gouws, 'The rise of the femocrat?', *Agenda* 12: 30, 1996, pp. 31–43.

<sup>102</sup> See e.g. the articles in the special issue on 'Australia on the UN Security Council', *Australian Journal of International Affairs* 68: 3, 2014; the special issue of this journal on 'Reintroducing WPS', *International Affairs* 92: 2, 2016; the special issue 'Critically examining UNSCR 1325 on WPS', *International Feminist Journal of Politics* 13: 4, 2011; the high-profile establishment of the LSE Centre for WPS in 2015 and other academic WPS centres; and the Women's International League for Peace and Freedom *Peacewomen* programme, <http://www.peacewomen.org/>.

between WPS and SEA at both operational and institutional levels, this might help to rectify shortcomings in SEA frameworks, by relocating policies within a broader concern about the mix of gendered and other dynamics that contribute to women's disenfranchisement and vulnerabilities in PKOs.

A final theme that emerges is the question of whose interests are served by robust SEA policy. Our analysis showed that a key weakness in SEA frameworks is that the UN does not have jurisdiction over uniformed peacekeepers, even though its rules nominally bind them. The UN relies on TCCs to hold accountable soldiers accused of SEA; but few TCCs are inclined to do so, many simply repatriating the soldiers involved and not instigating investigations or disciplinary procedures. The strong resistance of certain TCCs to UNSCR 2272 suggests that some states are not committed to strong SEA policies, and in fact see them as antithetical to their interests. This returns us to the challenge of the UN's 'genetic defect', and the fact that state interests may not ultimately align with effective policy development and implementation that embodies core UN principles of peace, justice and human rights.

## **Conclusions**

Our analysis has demonstrated that SEA is dealt with as a singular form of misbehaviour that occurs on an individual level and can be addressed through largely information-based training processes; these inform personnel that such behaviour is prohibited but fail to engage them in discussions of the local, international, normative, systemic and structural factors that give rise to it. Dealing with SEA in this way obscures the range of sexually exploitative or abusive behaviours it encompasses, which are connected only loosely by their sexual nature, are facilitated by different constellations of factors, and involve distinct choices being made by perpetrators (and, sometimes, victims).

By better understanding the range of factors that create conditions in which different forms of SEA are perpetrated, more effective preventive regimes could be developed in individual contexts—each of which has its own constellations of risk and protective factors. While training protocols and accountability mechanisms based on conveying roles may address opportunistic sexual assault (which is clearly criminal), they are less likely to be successful in addressing other forms of SEA, such as transactional sex, which is not necessarily criminal and may sometimes have the veneer of protective action. Similarly, a deeper understanding of why some individuals plan and perpetrate sadistic torture-rape necessitates an interrogation of gender structures, racism and colonialism that is quite different from addressing the factors that produce interactions between peacekeepers and trafficking networks.

Until policy-makers understand that SEA must be dealt with in a manner that recognizes the intersection of multiple risk factors, underpinned by forms of masculinity that produce and encourage such behaviours, the international community will remain unable to prevent the continued sexual exploitation and

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abuse of vulnerable populations by those sent to protect them. This presents a particular challenge to international policy-makers, given the structural and bureaucratic pressures that have contributed to the narrowing of approach on SEA to focus on individual compliance rather than the more complex set of factors involved, and have delinked SEA from other relevant frameworks globally. These also put the UN in the contradictory position of trying to bolster its credibility while developing a robust and honest response to SEA, and while grappling with the reality that some actors remain uncommitted to a robust response. These challenges must be addressed if the international community is to achieve the goals it has set itself in terms of peacebuilding, protecting civilians, and promoting human rights through peace operations.