

Sexual exploitation and abuse in United Nations peace operations:
towards evidence-based prevention and response

Major Research Paper

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Abstract:

In an age of asymmetric and protracted armed conflicts, the United Nations (UN) peacekeeping architecture is facing unprecedented challenges in delivering upon increasingly complex mandates to “save succeeding generations from the scourge of war.” Efforts to strengthen UN peace operations have been severely hindered by the failure of the UN to stamp out the occurrence of sexual exploitation and abuse (SEA) by military and civilian personnel, despite over a decade of research, policy development, and implementation of measures to enforce the longstanding Zero Tolerance policy. Written during a time of intensive public scrutiny of the UN’s record in addressing SEA, this paper charts the emergence of SEA as a phenomenon impacting the ability of missions to fulfill their mandates to protect and assist vulnerable people. A significant body of quantitative and qualitative research is discussed, in order to highlight the growing evidence base supporting SEA prevention and response activities that facilitate health interactions between interveners and locals, as opposed to harsh measures that prohibit any such contact and serve to increase field-level tensions and misperceptions. Examples of the UN’s response to SEA, including the most recent allegations launched against personnel in the Central African Republic in 2015, reveal the organization has adopted an approach that prioritizes safeguarding the UN’s reputation over protecting vulnerable individuals in the most effective manner possible. This will be further demonstrated through a discussion of the dominant Zero Tolerance policy and its unresolved flaws. The paper concludes by offering preliminary recommendations for integrating the findings of empirically-validated research into SEA prevention and response.

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List of UN Mission acronyms:

MINUSCA: United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic

MINUSTAH: United Nations Stabilization Mission in Haiti

MONUSCO: United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

UNMISS: United Nations Mission in the Republic of South Sudan

UNMEE: United Nations Mission in Ethiopia and Eritrea

MONUC: United Nations Mission in the Democratic Republic of the Congo

UNMIL: United Nations Mission in Liberia

UNMIT: United Nations Integrated Mission in Timor-Leste

Introduction

Since 1948, the United Nations (UN) has deployed peacekeepers to support fragile states grappling with protracted and destructive armed conflict. Peacekeepers, endearingly named “blue helmets” for their familiar headgear, are mandated to secure a restoration of law and order, reduce violence, build peace, and in some cases, use force to neutralize non-state armed actors. As of August 31, 2015, 106,245 troops, police and military observers from 122 contributing countries were deployed in 16 missions worldwide, located in contexts beset by trauma, human rights violations, corruption, and clashes between armed factions.¹ In these harsh environments, the majority of UN personnel boldly model “integrity, honesty, impartiality, and restraint,” and in doing so they help build and maintain peace.² In an age of asymmetric and protracted armed conflicts, the UN peacekeeping architecture is facing unprecedented challenges in delivering upon increasingly complex and multidimensional mandates to “save succeeding generations from the scourge of war.”³ Influential Member States, including permanent members of the Security Council, have recently focused greater attention on the state of the UN peacekeeping architecture, while a High-level Independent Panel on Peace Operations has recommended sweeping changes to ensure the architecture remains “fit for purpose.”⁴ The Secretary-General has responded with an action plan centred on three pillars: “renewed focus on prevention and mediation; stronger regional-global partnerships; and new ways of planning and conducting United Nations peace operations to make them faster, more responsive and more accountable to the needs of countries and people in conflict.”⁵ Efforts with respect to the third pillar have been severely hindered by the failure of the UN to stamp out the occurrence of sexual exploitation and abuse (SEA) by peacekeeping personnel, despite over a decade of sophisticated research, policy

development, and implementation of measures to enforce the longstanding Zero Tolerance policy, in place since 2003. An internal UN report describes SEA as “the most significant risk” to UN peace operations worldwide.⁶ Such acts are not only violations of the human rights of those the UN is mandated to assist and protect, but they also represent the “perversion of an international system intended to prevent crimes against humanity, including sexual and gender-based violence.”⁷

Fortunately, given “high-level attention from the UN, national governments, the media, and advocacy groups,” there appears to be a window of opportunity to strengthen SEA prevention and response as part of a broader initiative to modernize UN peace operations.⁸ Due to a critical mass of advocacy — with the *Code Blue* campaign offering a stark departure from the culture of secrecy and euphemistic doublespeak that surrounds the UN system⁹ — the SEA problem is no longer at the margins of discussions of peacekeeping (as it was in the last major peacekeeping reform in 2005), but rather at the very centre of efforts to strengthen the system. This presents the international community with an opportunity to bolster the prevention of, and response to, SEA, and to do so in a manner that may be harmonized with other adjustments in UN peace operations, including the establishment of “global-regional partnerships”¹⁰ with actors such as the African Union, as well as the Secretary-General’s Human Rights Up Front initiative. Moreover, there is an opportunity for the UN to adopt an evidence-based approach, drawing upon some of the quantitative and qualitative studies examined in this paper. Mounting external pressure for a robust response to SEA has prompted the Secretary-General to take unprecedented steps to bolster accountability within UN missions, yet it is crucial to revisit the significant body of literature

highlighting the dangers of overly restrictive measures for preventing SEA and the negative implications on peacekeeping effectiveness that may result when interactions between UN personnel and local populations are excessively curtailed. Jennings' excellent interviews with UN troops in Haiti vividly capture these concerns, with some soldiers speaking of an anti-SEA "witch hunt" directed by New York and resulting in the prohibition of pro-social interactions with local populations.¹¹ Troop members fear being targeted with false allegations or being subject to extortion from locals, who can rely on the threat of "falsely reporting an SEA violation to convince [the soldier] to pay them."¹²

Over a decade of research has identified the structural flaws of the UN's Zero Tolerance policy, arguing that SEA cannot be addressed sustainably or responsibly if these flaws — especially the treatment of "survival sex" and child abuse in the same manner — are left unaddressed.¹³ Others, meanwhile, argue that SEA can never be entirely eliminated, and the UN's approach to prevention and response must emphasize harm reduction and mitigation of impacts on local communities and on the implementation of UN mandates.¹⁴ Yet as this paper will explore, the UN has responded to successive waves of SEA allegations by reiterating the Zero Tolerance policy and instituting harsh measures that amount to "bunkerization," inhibiting appropriate and necessary contact with local populations as personnel fear being the subject of false or exaggerated SEA allegations.¹⁵ As supported by a large body of academic literature based on field interviews, SEA presents conflict-affected civilians with real and consequential dilemmas, the most common of which is a mother's decision whether or not to offer her body in exchange for goods that would help meet the needs of her family. Rather than effectively address risk and

prevention factors for SEA, the Zero Tolerance policy is deceptive in its simplification of complex matters of human relations and represents what Jennings refers to as a “minimalist approach” to SEA that serves to protect the UN’s image, in contrast to a “maximalist approach” that prioritizes the protection of local populations.¹⁶ Instead of universalizing the Zero Tolerance policy, this paper endorses an approach that distinguishes violent exploitation and abuse — like a wave of recent allegations in the Central African Republic — from other forms of SEA, such as prostitution.¹⁷ This approach is more efficient than a one-size-fits-all conception, since it separates the contentious debates surrounding appropriate sexual conduct among adults from urgent child protection concerns. These distinctions are important because they directly impact how SEA is monitored and reported upon. For example, an independent human rights monitor in Darfur told United States (US) diplomats he had not received reports of SEA involving UNAMID personnel, yet locals accused UN staff of soliciting women as prostitutes (an act the monitor did not consider to be an example of SEA).¹⁸ The ambiguities surrounding SEA and their implications for effective response measures will be explored in greater detail.

A range of influencers guide the UN’s approach to SEA, including engagement from Member States and non-governmental organizations (NGOs). This paper will examine the content and style of this engagement and will reveal that a range of prominent actors, from the US government to the NGO-led *Code Blue* campaign, have served to pressure the UN Secretary-General to reiterate the Zero Tolerance policy with increasing vigour, without placing equivalent emphasis on the well-researched need to address the flaws in the Zero Tolerance policy. The Secretary-General is then left with few options other than to strongly request the cooperation of

Troop Contributing Countries (TCCs) and remove senior mission leadership from their posts as an incentive for other leaders within the peacekeeping architecture to take SEA seriously.¹⁹

While the UN's image is safeguarded from massive damage — in keeping with the aforementioned minimalist approach — a culture of bureaucratic paranoia may set in, resulting in further entrenched policies that prevent contact with local populations. Meanwhile, the disconnect between field and headquarters widens, and gaps in SEA prevention, reporting and response are left unaddressed and are quickly forgotten until a new round of allegations shocks the conscience of Member States and their publics.²⁰ A related issue — which has not been addressed with the same thoroughness as the Zero Tolerance policy — is the negative impact of bureaucratic expansionism on the UN's ability to effectively prevent and respond to SEA. The most acute example is the historical lack of cooperation — in the field and at headquarters — between the UN Office of Internal Oversight Services (OIOS) and the Conduct and Discipline Unit (CDU). Moreover, there are stark differences in the approaches to SEA adopted by the humanitarian and peacekeeping spheres, raising questions as to why knowledge exchange within the UN has not been significantly strengthened over the past decade. The overwhelming consensus that SEA harms fragile communities and damages the UN's reputation has inspired an almost unending number of suggestions for reform. While it is beyond the scope of this paper to examine all of these proposals in detail, an attempt will be made to assess their feasibility and likely impact in the field. SEA's uniqueness and complexity should not lead the UN to address the issue in a vacuum. Rather, the organization should improve its understanding of the costs of inaction with respect to SEA and should more strongly convey how SEA stymies attempts — including a recent initiative by US President Barack Obama²¹ — to strengthen and modernize the

UN peacekeeping architecture and to recruit new financial and troop contributors, in order to effectively address threats to international peace and security.

The emergence of the SEA phenomenon

The prevalence and incidence of SEA poses a challenge to a time-honoured and universalized view of UN peacekeepers as problem-solvers and harbingers of stability and improved life outcomes for civilians impacted by armed conflict. The words of General Babacar Gaye, who was removed from his position as Special Representative of the Secretary-General and Head of Mission for MINUSCA following a series of documented SEA allegations involving children²² — bear tragic irony: “When children see a peacekeeper they know that we will do them no harm, that we are here to protect them.”²³ Yet allegations of SEA perpetrated by UN personnel against civilians, including children, in countries where peace missions are active have surfaced in Mali, the Balkans, Somalia, Liberia, Burundi, Eritrea, Mozambique, Colombia, Haiti, the Democratic Republic of the Congo (DRC), the Central African Republic (CAR), and elsewhere. The rise in documented allegations coincided with the post-Cold War evolution of UN peace operations from limited peacekeeping mandates to increasingly multidimensional missions, which are mandated “not only to maintain peace and security, but also to facilitate the political process, protect civilians, assist in the disarmament, demobilization and reintegration of former combatants; support the organization of elections, protect and promote human rights and assist in restoring the rule of law.”²⁴ Such missions employ a diverse range of personnel and require a wide spectrum of interactions with local authorities and populations, thus renewing questions and deepening concerns surrounding legal impediments to personnel accountability for

“Sometimes they ask us to find them girls. They especially ask us for girls of our age. Often it will be between eight and ten men who will share two or three girls. When I suggest an older girl, they say that they want a young girl, the same age as us...The peacekeepers hide it from their supervisors and their friends who are not in their immediate group. Because when this kind of thing happens you have to keep it confidential. Otherwise, if others hear about the activities, then the men will be punished...For us, we said to ourselves that even if it is bad, we are gaining something from it too. So we continue because we then get the benefits, such as money, new t-shirts, souvenirs, watches and tennis shoes.”²⁷

Interviews with peacekeeping personnel shed light on their perception of the local women who are most often subjected to SEA. They are frequently viewed as “actively choosing prostitution and other types of sexual exchange”²⁸ — without consideration of the social and economic factors that might make such a decision barely avoidable. Some peacekeepers even describe themselves as “helpless victims of the predatory advances of local women,” an abdication of responsibility that also serves to assert that vulnerable civilians are “dangerous and in need of control.”²⁹

In the first available reporting on SEA, local civilians alleged that personnel of the UN Transitional Authority in Cambodia — a peacekeeping mission — solicited prostitutes. After complaints by numerous international organizations, the Special Representative of the Secretary-General infamously reacted by saying, “boys will be boys,” illustrating how much progress has been made at the highest levels of the UN in introducing and mainstreaming a Zero Tolerance

approach to SEA.³⁰ Early allegations extended beyond peacekeeping personnel; after members of the UN Monitoring Group of the Economic Community of West African States were accused of sexual misconduct in Liberia and Sierra Leone in 2001, the UN High Commissioner for Refugees and Save the Children launched the first formal inquiry into SEA in humanitarian contexts. The final report, which received widespread media attention, noted a “chronic and entrenched” pattern of exploitative relationships in which the receipt of humanitarian assistance items was often contingent on performing sexual acts.³¹ A formal investigation was carried out by the UN Office of Internal Oversight Services in 2002, substantiating several of the allegations while also identifying factors contributing to SEA in refugee contexts, including “aspects of refugee camp life, camp structure, camp security, food and services distribution, employment opportunities, profiles of camp workers.”³² The following year saw the release of the Secretary-General’s Bulletin entitled, “Special measures for protection from sexual exploitation and sexual abuse,” which to this day remains the authoritative reference point for defining SEA and clarifying the role of Heads of Departments, Offices and Missions for preventing SEA, “taking appropriate action” in response to violations, and appointing a “focal point” for receiving reports of SEA.³³ The Bulletin 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.” Another way to phrase exploitation, in regards to “survival sex,” emphasizes acts that are “motivated by poverty and...enabled by disparities in wealth and power between locals and peacekeepers.”³⁴ By contrast, sexual abuse refers to “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.” The definition of

SEA is contested — particularly regarding civilians’ (or victims’) capacity for “agency and negotiation” — with direct implications for the structure of SEA prevention and response.³⁵

While the 2003 Bulletin is viewed as the point of origin for the UN’s hardline and categorical prohibition of SEA, it in fact allows officials to use their “discretion” in applying six principles outlining the parameters of SEA. The principles are as follows:³⁶

- (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
- (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
- (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

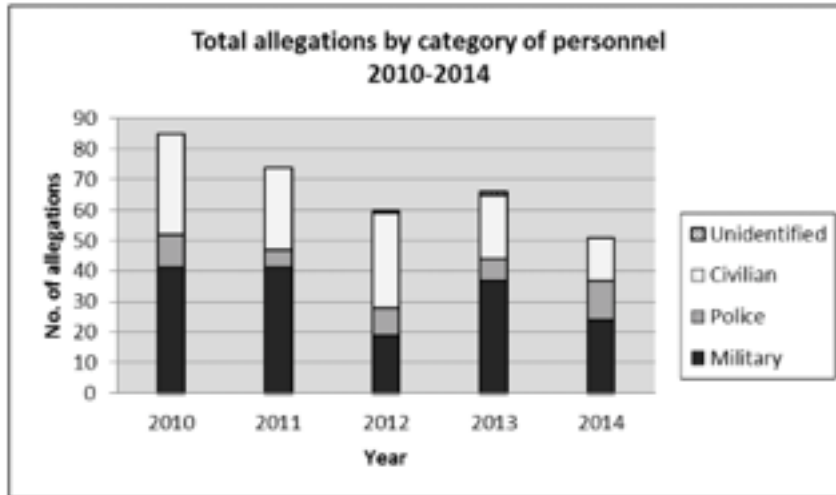
It is important to note that these six cornerstone principles of SEA were developed by humanitarian rather than peacekeeping actors as part of the 2002 Report and Plan of Action of the [Inter-Agency Standing Committee (IASC)] Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises. The principles were subsequently integrated into the codes of conduct and staff rules and regulations of IASC member organizations. In addition, the principles were reaffirmed by the leaders of 22 UN and 24 non-UN organizations in the 2006 “Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel.”³⁷ Is it also noteworthy that the term “Zero Tolerance” is not stated within the Bulletin, but was uttered by Secretary-General Kofi Annan in an attempt to summarize the UN’s policy on SEA. If little else, the term has flexed its staying power. Yet this monicker is inaccurate; while the Bulletin prohibits transactional sex and sexual activities with children under 18, the Bulletin does not categorically prohibit non-transactional sexual relationships between UN staff and adult beneficiaries of assistance, however such relationships are “strongly discouraged” due to the “inherently unequal power dynamics” upon which they are generally based.³⁸ Furthermore, the Bulletin’s utility is limited as it is only applicable to civilians employed by the Department of Peacekeeping Operations (DPKO) mission and UN country team, and not to UN civilian staff, civilian police, and military personnel.³⁹

The Secretary-General's Bulletin and its precursors provide a common, though imperfect framework for understanding SEA. However, this framework is weakened in its failure to situate the crime of SEA within pillars of international humanitarian law, namely the fourth Geneva Convention and its prohibition of violence and "outrages upon personal dignity" targeting persons not taking part in hostilities.⁴⁰ With reference to international law, the *Convention on the Elimination of All Forms of Discrimination against Women*, Security Council Resolution 1325 (Women, Peace and Security) and the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* clearly, if indirectly, outline the illegality of SEA and sexual violence writ large. Yet instead of highlighting SEA as a clear violation of international law, SEA has typically been treated as a distinct offence and an issue of internal UN accountability, when in fact the primary perpetrators and victims of SEA are not UN officials, but rather foreign nationals (deployed to UN missions) and local civilians, respectively. For example, Resolution 1325 calls on parties to armed conflict to protect women and girls from gender-based violence, and yet this instrument is generally not invoked in discussions of SEA accountability.⁴¹ Additional legal support for the unacceptability of SEA could be found within the text of UN peacekeeping mandates, which are approved by the Security Council. For example, MONUC's mandate clearly articulates personnel's responsibility to facilitate "...human rights monitoring, with particular attention to vulnerable groups including women [and] children."⁴²

The intensity of efforts to address SEA has tended to ebb and flow, with Member State pressure and public fury as key predictors of a surge in response. Ten years ago, after a series of SEA

allegations made international headlines, Annan asked the Permanent Representative of Jordan, His Royal Highness Prince Zeid Ra'ad Zeid al-Husseini, to develop "a comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations." The strategy, released in 2005, focuses on two groups of accountabilities with respect to SEA: Organizational, managerial and command accountability, and individual disciplinary, financial and criminal accountability. While the public report euphemistically chronicles pervasive abuses of women and girls, in a confidential report Prince Zeid said, "the situation appears to be one of "zero-compliance with zero tolerance."⁴³ The ten year anniversary of the strategy has prompted a number of attempts to analyze the UN's progress towards implementing the recommendations articulated by Prince Zeid, who is currently the UN High Commissioner for Human Rights and has been a central and controversial figure in the evaluation of the UN's response to allegations of SEA by French troops in CAR.⁴⁴ Progress has been made in several areas, including SEA prevention and response to, and investigation of, allegations with the support of Conduct and Discipline Teams in the field. Training has improved significantly, including pre-deployment (using standardized UN training modules) and upon arrival at missions.⁴⁵ Progress has also been achieved in victim assistance and community outreach activities informing civilians how to launch SEA complaints. A key development has been the strengthening of Memoranda of Understanding between the UN and TCCs, which now incorporate the 2003 Bulletin and mandate TCCs to investigate acts of SEA committed by their deployed troops and to forward substantiated cases to "appropriate authorities."⁴⁶ This will assist in strengthening accountability, but does not effectively hold all UN personnel to the same standards with respect to SEA, as per the recommendation in the the Zeid report.⁴⁷

Figure I



Source: Office of Internal Oversight Services.

In an effort to conceptualize the scale of the SEA issue, it is important to consider statistical trends in the number of allegations launched over the past several years. Although the UN is facing significant pressure to stamp out SEA, the reality is that the number of allegations involving military personnel is trending downward, from 24 in 2012 to 19 in 2014.⁴⁸

The factors underpinning this reduction are the subject of scholarly debate, yet there is general consensus that it is not due to a genuine decrease in acts of SEA, but rather decreased reporting of violations and SEA “being driven underground or more effectively hidden” as the Zero Tolerance policy has been more stringently enforced.⁴⁹ The figure below illustrates that there were 51 reported SEA allegations in 2014 — including all deployed personnel, not just military troops — and the highest number of complaints originated from MINUSTAH and MONUSCO, followed by UNMISS.⁵⁰ As noted in the report, “18 (35 per cent) of the total number of allegations involved the most egregious forms of sexual exploitation and abuse, with 13

allegations of sexual activities with minors (25 per cent) and five allegations of non-consensual sex with persons aged 18 or older (10 per cent).”⁵¹

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Annex IV

Nature of allegations recorded for peacekeeping and special political missions supported by the Department of Field Support, for 2014

Nature of allegation	MINUSMA	MINUSTAH	MONUSCO	UNAMA	UNFICYP	UNITIL	UNISFA	UNMIL	UNMISS	UNOCI	Total
Sex with a minor	1	1	6	–	–	–	–	1	1	–	10
Sexual assault ^a											
Victim under 18	–	–	1	–	–	–	–	–	1	1	3
Victim over 18	–	–	2	–	–	–	–	2	1	–	5
Trafficking in persons for sexual exploitation	–	–	–	–	–	–	–	–	–	–	–
Exchange of money, employment, goods or services for sex (adults only) ^b	2	12	4	1	1	–	1	2	9	–	32
Other forms of sexual exploitation and abuse	–	–	–	–	–	1	–	–	–	–	1
Other violations of the provisions of ST/SGB/2003/13 (e.g., false reporting of sexual exploitation and abuse)	–	–	–	–	–	–	–	–	–	–	–
Total	3	13	13	1	1	1	1	5	12	1	51

However, UN statistics should be approached with a critical eye, in light of the “significant disparity between the low levels of abuse cited in [UN reports] and the high levels suggested in field investigations and other evidence,” as argued by Save the Children.⁵² Obtaining accurate data on the prevalence of SEA is challenging, but evidence of peacekeeper accountability for SEA is even more sporadic in its availability. For example, Human Rights Watch, usually rigorous in documenting rights abuses and responses to those abuses, relied on a single anecdote to assess SEA accountability, involving a Pakistani national charged in his home country for sexually assaulting a boy in Haiti.⁵³ Yet there is no centrally managed database tracking the steps with which authorities in TCCs hold SEA perpetrators to account.

Understanding the factors contributing to, and the impact of, SEA

Underneath the oscillating strands of international political attention to SEA, a body of academic literature has emerged seeking to conceptualize the drivers of SEA, as an individual behaviour and as a practise that becomes normalized within communities affected by conflict. Before examining specific risk factors, it is helpful to introduce the concept of peacekeeping economies, which define the dynamics in which SEA occurs. These economies are “characterized by, and to a certain (unquantifiable) extent dependent upon, the sexual availability of local residents for international actors.”⁵⁴ The most frequently used explanation for SEA, therefore, is that SEA offers the only viable means of sustaining livelihoods in an economy where women and girls face poor prospects and where “peacekeeping personnel are comparatively wealthy and may control the distribution of humanitarian aid.”⁵⁵ Yet the drivers of SEA — of which “survival sex” is merely one form — are far more intricate than this simplistic recourse to behavioural economics. Academics like Kelly Neudorfer⁵⁶ and Ragnhild Nordås⁵⁷ both present well-structured qualitative and quantitative analyses of the factors influencing rates of SEA. Nordås offers a useful analysis of TCC/mission-specific factors and host-specific factors to help explain variation in SEA rates across missions and over time.⁵⁸ Neudorfer integrates criminological theories to explain SEA, noting that crimes take place within a “situational opportunity structure” (e.g. the aforementioned peacekeeping economy, as well as environments in which sexual violence is rampant among local populations) and argues that this structure can be punctured and influenced, including by instilling a sense of “certainty of punishment” among SEA perpetrators.⁵⁹

Nordås found that SEA was more prevalent in contexts with lower numbers of conflict-related fatalities, in larger missions, and in more recently established missions. Additional factors include the status of the country hosting the mission (least developed, developing, etc.) and the degree to which the conflict involves sexual violence.⁶⁰ Other researchers have identified additional factors contributing to SEA, including chronic poverty, economic and livelihood options, the capacity of women to generate income for their families (selling sex as a last resort), the state of domestic legal systems (to hold perpetrators to account and deter potential perpetrators), the frequency and nature of interaction between peacekeepers and local populations, and misunderstandings of the UN's zero tolerance policy and divergence in the completeness of its implementation and enforcement.⁶¹ Beyond these direct factors — each one determined as statistically significant through quantitative analysis — are indirect factors that, according to Olivera Simic, must be taken into consideration in order to adopt a “holistic approach” to SEA, namely the “feminisation of poverty, lack of resources, power relationships... [and the degree of] violence against women that already exists in the local context where peacekeepers step in.”⁶² Other scholars test and explain the occurrence of SEA by solely focusing on the dynamics within peace missions and between male peacekeepers for whom sexual relations is central “to their identity as men.”⁶³ Gustafsson argues that the primary driver of prostitution, as a form of SEA, is male peacekeepers seeking “proof of manhood and homo-social bonding between males” amidst the tense environment in which they operate.⁶⁴

While a lengthy list of factors adds to the complexity of preventing and responding to SEA, an oversimplification of the problem may yield great implications for the UN's ability to fulfill

mandates in countries of concern. For example, the OIOS noted that the only MONUSCO contingent that managed to address SEA was one that “installed wire mesh within the military camp perimeter fencing to prevent direct contact between peacekeepers and the local population,”⁶⁵ yet such a step cannot enduringly address the dynamics contributing to SEA — which are especially pronounced in the DRC, where sexual violence is rampant. Moreover, the wire mesh is a perfect illustration of what Séverine Autesserre calls “bunkerization,” the practise of isolating intervenors from the people they are mandated to serve and protect, with demonstratively negative implications for effective protection of civilians and humanitarian assistance provision.⁶⁶ Yet despite the fact that such harsh interventions — others include tightening security at peacekeepers’ bases to prevent locals from entering — do not prevent SEA in the long-term, the UN and its OIOS have continued to endorse this approach.⁶⁷

Perhaps the most powerful qualitative framework for studying SEA is through the lens of what Daniel Levine calls “abusable asymmetric vulnerability.” He acknowledges peacekeepers’ vulnerability in the field, but demonstrates how this vulnerability is asymmetric when compared to the precariousness facing local populations and the troops’ significant advantages.⁶⁸ For Autesserre, these advantages are forms of inequality favouring expatriates over locals, namely (perceived) moral superiority, resource imbalance (intervenors’ financial advantage), and, finally, being beholden to accountability mechanisms oriented towards donors rather than to affected populations (i.e. those with the greatest at stake when SEA becomes widespread).⁶⁹ Levine is clear, however, that despite such structural factors, asymmetric vulnerability is not

necessarily a danger so long as interveners do not exploit it. The ideal scenario is one where peacekeepers' and locals' "mutual vulnerability" provides the foundation for positive relations.

Neudorfer's analysis represents the most robust attempt thus far to assess risk and prevention factors and, in turn, create an evidence base to guide the design of SEA prevention and response techniques.⁷⁰ As one considers the hypotheses she tests, it is important to note that she only studied cases of SEA that were reported to the relevant mission and passed up the chain of investigation, a significant limitation given the magnitude of under-reporting of SEA.

- Hypothesis 1 (significant): higher rates of SEA will be found in contexts with high levels of sexual violence.

Neudorfer found that peacekeepers conform to and adopt the prevailing norms in host countries, thus they are more likely to engage in SEA in situations where sexual violence is widespread.⁷¹ Moreover, they are likely to act in accordance with abusive subcultures even if they would otherwise have behaved differently.⁷² This finding is similar to that of Nordås, however both studies are weakened by their dichotomization of sexual violence (assessed as either a "grave" or "massive" problem or not a problem at all) instead of examining varying levels of sexual violence in a country hosting a UN mission.⁷³ Nordås emphasizes not only levels of sexual violence, but also men's views of women in the region of concern and social acceptance of SEA.⁷⁴

- Hypothesis 2 (significant): higher rates of SEA will be found in contexts with a large portion of internally displaced people (IDPs).

The particular vulnerability of IDPs — relative to typical civilians whose communities become flashpoints for armed conflict — stems from the dissolution of their social networks and structures for social support, including family. This leaves them vulnerable to abuse, including SEA.⁷⁵ Special SEA prevention measures are needed in light of these heightened SEA risks.

- Hypothesis 3 (not significant): higher rates of SEA will be found in contexts where peacekeepers interact with local civilians under limited supervision.

The analysis did not yield significant evidence that decreased opportunities for interactions with locals (measured as less unsupervised time permitted off the UN base) leads to less SEA.

However, this test again suffers from dichotomization, whereby “traditional” missions are assumed to involve low levels of contact with locals and “robust” missions (including *peacebuilding* missions) require more frequent contact.⁷⁶ In reality, there is wide variability in the level of interactions between UN personnel and local civilians.

- Hypothesis 4 (significant): higher rates of SEA will be found in contexts where there is no office mandated to receive, record, and pursue local civilians’ complaints of SEA.

The presence of Conduct and Discipline Teams/Units (CDUs/CDTs) was found to significantly increase the “the degree of the certainty of punishment” for would-be perpetrators, a key deterrent that also provides victims with an avenue for redress.

- Hypothesis 5 (partly significant): higher rates of SEA will be found in contexts where personnel are not trained regarding SEA.

For this test, it was necessary to distinguish between general in-mission training and *comprehensive* training including an SEA component; the former does not significantly impact SEA rates, while the latter does. The reduction in SEA within MONUC/MONUSCO between

2006 and 2007 may be in part explained by the increase in the number of personnel trained.⁷⁷ In Ethiopia, UNMEE military personnel are required to participate in a full-day training covering topics such as SEA, HIV/AIDS, and human trafficking.⁷⁸ Beyond Neudorfer’s analysis, the question of training has generated numerous debates. Strict training requirements are easy to impose but difficult to meet given the vast numbers of individuals involved. The IASC has found train-the-trainer programs as well as online modules to be most effective, given these challenges.⁷⁹ The DPKO has also made progress, now offering a training module on “Interacting With Children.” The module notes SEA as having a negative impact on mandate implementation and prompts commanders to discuss questions such as, “What makes children in conflict areas vulnerable to sexual exploitation and abuse?” and “What possible impact can sexual exploitation and abuse have on your contingent and the mission?”⁸⁰ These training materials are publicly available on the Internet, but the proportion of personnel trained using these materials is unknown.

- Hypothesis 6 (significant): higher rates of SEA will be found in contexts where there are no SEA prevention campaigns or public outreach initiatives targeting local civilians.

Finally, the resources dedicated to public outreach regarding SEA — including through appointed SEA focal points working within CDTs — has a significant effect on SEA rates. Public campaigns often emphasize individual rights as well as avenues to launch complaints, and this knowledge constrains impunity for perpetrators.⁸¹ In addition, public outreach is more common in missions that employ a “maximalist” approach to SEA that prioritizes the protection of civilians. A success story would be UNMIL’s campaign, which was executed in parallel to a national multimedia campaign endorsed by President Ellen Johnson Sirleaf. The campaign

slogan was simple and memorable: “No sex for help, no help for sex: Stop sexual exploitation and abuse.”⁸² By contrast, with MINUSTAH, which relies on a “minimalist” approach — prioritizing the protection of the UN’s reputation — there have been few if any efforts to educate locals on how to report SEA violations.⁸³ An IASC study on SEA prevention in the field reveals that community awareness raising activities are the exception rather than the rule.⁸⁴ Yet such activities yield meaningful results, particularly those that frame SEA as equally unacceptable as sexual violence within local communities, despite any perceptions of UN personnel as being “holier-than-thou.”⁸⁵

In addition to the above six hypotheses, Neudorfer analyzed several control variables expected to impact the number of SEA allegations in a given UN mission, including wealth, democracy, troop size, the presence of the OIOS, risk behaviour or risk of contracting HIV/AIDS, and psychological stress levels facing peacekeeping personnel. However, expected correlations were determined to be insignificant or inconclusive for all control factors except troop size, which was found to be positively and significantly correlated with the number of SEA allegations.⁸⁶ This is consistent with Nordås and Rustad, and they explain this finding by noting that commanders of larger missions face greater challenges in monitoring troop conduct and discipline; the lack of oversight relative to smaller missions may contribute to higher SEA rates.⁸⁷

What makes Nordås and Rustad’s research unique is its integration of nearly all publicly available data on SEA allegations dating from 1999-2010 — including not only UN missions, but also those of NATO, ECOWAS, and the African Union — to explain variation in reported

SEA. Furthermore, this variation is analyzed by distinguishing TCC/mission-specific factors from factors specific to the country hosting the mission.⁸⁸ In addition to mission size, Nordås and Rusted test the following hypotheses:

TCC/Mission-specific factors:

- Hypothesis 1 (weak correlation): higher rates of SEA will be found in peace missions that mention women in their mandates.

The reasoning behind this hypothesis lies in an assumption that women are mentioned explicitly in the mandate because they face particular vulnerabilities and protection gaps in the region of concern, which SEA perpetrators can exploit (or simply adopt the ‘norms’ of their surroundings).⁸⁹ However, this dynamic is difficult to measure and the wording of the mission mandate does not necessarily reflect the realities facing peacekeepers upon arrival. Just as the existence of the Zero Tolerance policy on SEA does not necessarily eliminate SEA in practise, the inclusion of women in the text of a mission’s mandate does not mean that senior leaders hold troops accountable for the protection of women. The analysis reveals that missions whose mandates refer to women have *higher* rates of SEA, which is likely due to pre-existing conditions in the area of operations, namely high rates of sexual abuse.⁹⁰

- Hypothesis 2 (correlation not significant): higher rates of SEA will be found in missions when troops are contributed from countries that have weak records with respect to protecting women from sexual abuse.

This is yet another case in which a ‘dummy variable’ is used to create a dichotomy, here between TCCs that have legal prohibitions against spousal rape versus those that do not. Not surprisingly, the analysis yields a non-significant correlation for this hypothesis. While it is logical to examine

conditions within TCCs to try to understand peacekeepers' conceptions of individuals and their rights, the laws in peacekeepers' countries of origin do not necessarily predict how they will conduct themselves in a new environment with considerable independence and, often, financial power.⁹¹

- Hypothesis 3: Troop size (see above). Neudorfer's significant result is given further support.

Host-specific factors:

- Hypothesis 4 (significant correlation): higher rates of SEA will be found in peace missions located in host countries with lower economic development.

As hypothesized, in less developed countries women are more likely to be drawn to transactional sex as an antidote to poverty, food insecurity, and a lack of economic rights. In more developed countries, women may have "alternative means of economic survival," leaving the market for SEA considerably smaller.⁹²

- Hypothesis 5 (positive correlation, opposite of expectation): higher rates of SEA will be found in peace missions whose host countries have weak legal protection regimes for women's rights.

Contrary to expectations that weak legal protection regimes would contribute to SEA, it was found that host countries *with* spousal rape laws have *higher* rates of SEA. This may be because the existence of such laws increases awareness of SEA and makes reporting more likely.⁹³

However, the reliance on the spousal rape law is likely too constricting, as SEA refers to exploitation and abuse in extramarital affairs, including in soliciting prostitutes.

- Hypothesis 6 (significant correlation): higher rates of SEA will be found in peace missions whose host countries experienced frequent sexual violence linked to armed conflict.

Similar to Hypothesis 1, this hypothesis examines how norms established within a host community may fuel an enabling environment for aggravated SEA. The correlation is significant, yet it is still noteworthy that this hypothesis presumes peacekeepers are prone to adopt the same behavioural patterns as the perpetrators of the armed conflict the UN mission is seeking to end.⁹⁴ In addition, this hypothesis once again dichotomizes the presence or absence of sexual violence, rather than considering the full continuum of crimes.

- Hypothesis 7 (significant correlation): higher rates of (reported) SEA will be found in less intense areas of violent conflict.

There is significant evidence to support this somewhat counter-intuitive hypothesis. In addition to the factors explained above, SEA is facilitated by the availability of opportunities for UN personnel to interact with the local population, and there are fewer such opportunities in areas with ongoing high-risk conflict. However, as noted, the use of a dichotomize dependent variable to categorize a mission as having or lacking SEA is problematic, and fails to distinguish between missions where SEA is a rarity versus a widespread phenomenon.

The above hypotheses offer significant explanatory power for the complex phenomenon of SEA, and offer empirically-validated evidence for SEA prevention and response approaches. However, it is important to note that some of the key elements of the UN's response do not have a sufficient evidence basis. For example, the DPKO is currently working to charter planes so peacekeepers can enjoy increased rest and recreation, ostensibly as an indirect method of curbing SEA.⁹⁵ Yet the studies analyzed here find only a weak correlation between increasing recreational opportunities and reducing SEA.⁹⁶ Further research is required to explore how

improving personnel's living conditions impacts SEA, including perhaps by eliminating "negative coping mechanisms" that prompt SEA.⁹⁷ Despite the rigour of the aforementioned studies, one key factor is missing — how policies promoting Autesserre's "bunkerization" prevent prosocial contact between interveners and locals, and contribute to SEA that is pervasive and under-reported. Not only are UN personnel constrained — and increasingly so due to pressure from the UN in New York — by barriers to interacting with locals, but such barriers are exacerbated by personnel who rarely share links to, or knowledge of, the characteristics of the local populations they are mandated to protect. This includes linguistic knowledge, which is arguably a prerequisite for achieving one of the 'core virtues' of peacekeepers, attentiveness.⁹⁸ Personnel are hired according to thematic or technical knowledge; deep contextual knowledge — cultural, linguistic, and the like — is not prioritized in the recruitment process.⁹⁹

Another factor that is widespread in "Peaceland" is rapid turnover within UN missions, which "impedes development of trusted relationships between expatriates and locals," and contributes to a culture of impunity for SEA by lowering the social cost for would-be perpetrators.¹⁰⁰ Yet by far the most constraining factor is the implementation of increasingly severe security measures — "bunkerization," by forcing troops to remain on base — which Autesserre demonstrates is incompatible with the time-honoured strategy of "gaining acceptance" among locals and relying on their support to protect expatriates from security threats.¹⁰¹ The "bunkerization" phenomenon was observed in Haiti, where MINUSTAH personnel were "segregated and disconnected from the society around them," a situation possibly attributable to the UN's Zero Tolerance policy on SEA and its influence on how "mission personnel conceptualize[d] the "proper" relationship

between them and Haitians.”¹⁰² The segregation was further encouraged by training modules exaggerating the prevalence of HIV among locals and warning troops of the frequency of false SEA allegations launched by locals.¹⁰³ According to Jennings, such training should address troops’ concerns like false allegations in a way that is consistent with sound data and avoids “sweeping generalizations of the habits and perceived culture of the local population,” as these serve to increase personnel’s perception of locals as dirty “others” available to be exploited.¹⁰⁴

What remains altogether unexamined in the literature is the impact of such measures (and stereotypes) on the ability of troops to fulfill UN mandates, whose increasingly significant peacebuilding dimensions necessitate contact with people affected by the most horrific manifestations of conflict. It would be admittedly difficult to measure such an impact, but it would be unreasonable to deny the harm generated when interveners would be so fearful of a false SEA accusation or a “setup” that they would avoid stopping their car to help a woman appearing to be in difficulty, as Higate and Henry observed.¹⁰⁵ This situation is not too far removed from one describing interveners as driving so fast on dirt roads that they sprayed locals walking alongside, thus contributing to the “dehumanization of the host population.”¹⁰⁶ SEA has a deleterious impact on the credibility of the UN, and this is especially problematic in missions with multidimensional mandates, where expatriates frequently advise host state governments on adherence to international standards, including human rights laws and the UN Security Council Resolution 1325 on Women, Peace, and Security, of which SEA is perhaps the most blatant rejection.¹⁰⁷ It is difficult to engage state actors to promote adherence to these human rights instruments when the UN’s own personnel are seen to be flagrantly disregarding them.¹⁰⁸ Acts of

SEA negatively impact the “operational viability” of a peace operation, due to a loss of perceived legitimacy.¹⁰⁹

Beyond these concerns, SEA is a profound obstacle to achieving the core goal of peacekeeping — that is, creating an environment where people affected by conflict can build “relationships and shared values that ground a stable political community.”¹¹⁰ SEA, as an assault on what Levine calls “care ethics” — the set of virtues required for effective peacekeeping, namely attentiveness, restraint, and creativity — increases the risk of perpetuating a culture of “violent domination/submission” and hindering attempts to achieve “a stable state in which people are able to work together and deal with their conflicts constructively.”¹¹¹ Moreover, SEA has a fairly obvious and significant effect on particular missions with mandates for the Protection of Civilians, such as MINUSCA in CAR, although Levine rightly explains that locals — who typically see humanitarians and peacekeepers as interchangeable — expect the UN to protect civilians regardless of a mission’s mandate.¹¹² Fundamental to effective peacebuilding and protection of civilians is maintaining the “legitimacy and credibility needed to carry out [a mission’s] other mandated tasks” and SEA would seem to cancel out any gains made in this regard.¹¹³

SEA inhibits mandate fulfillment, but so does a set of SEA prevention measures that limit what the DPKO’s training module calls “positive interactions with children,” including child protection activities, outreach and engagement, and everyday interactions.¹¹⁴ As Simic writes, with elegant parsimony, building “walls of division” between UN personnel and local people is not an “effective prevention strategy” for SEA, and neither is perpetuating generalizations about

local cultural norms concerning sexual behaviour.¹¹⁵ Such strategies discourage peacekeepers from modelling “peaceful ways of living and working” and instead construct and maintain boundaries in “Peaceland.”¹¹⁶ Yet as will be discussed, the UN’s minimalist approach to SEA prioritizes avoiding damage to the organization’s reputation and is thus heavily concerned with managing perceptions. Thus while SEA-related rules can seem harsh and ineffective — like UNMIT officials not being allowed to even park their cars near watering holes where locals gather¹¹⁷ — one must concede that they do curb perceptions of rambunctiousness.

UN Member States and SEA

The preceding section of this paper examined evidence supporting various approaches to preventing and responding to SEA. There is insufficient space to explore other areas of research, including the unique blend of sociological, psychological, and administrative factors contributing to infrequent reporting of SEA across UN peace missions and the lack of comprehensive investigations of allegations.¹¹⁸ The remaining sections will analyze the evolving approach of the UN towards this complex and damaging phenomenon. What will become apparent is that the UN’s approach, centred on the reiteration and enforcement of the Zero Tolerance policy for acts of SEA, is often incompatible with empirically-validated methods of addressing SEA. This is largely because the UN’s approach prioritizes “minimalist” objectives — safeguarding the reputation of the organization and its Secretary-General — over “maximalist” aims that emphasize practical and enduring SEA prevention and response in challenging field settings. Yet the Zero Tolerance approach has been reiterated with such vigour that it has obscured messaging surrounding effective prevention and response to SEA. As one recent article stated, “In the midst

of all of this [reform of peace operations], the UN will need to respond quickly and transparently to allegations of sexual exploitation and abuse—the credibility of the UN rests on demonstrating zero tolerance.”¹¹⁹ Certainly SEA threatens the UN’s credibility, but “demonstrating zero tolerance” is not the same as mitigating the factors contributing to SEA and in doing so drawing upon empirically-validated field/qualitative and quantitative studies to mainstream best practises.

Before assessing the UN’s response as an organization, it is helpful to consider the range of responses from the principal actors that shape and sustain the UN system, namely Member States. The reactions of major governments have been — in a rare event for multilateral affairs — broadly unanimous in expressing disgust regarding SEA and demanding that the UN strengthen prevention and response, including through closer partnerships with TCCs.

Unsurprisingly, there is greater information available about the positions and engagement of the United States with respect to SEA than any other donor or TCC. As one official put it bluntly, “we are by far the largest financial contributor and we don’t want to be in the position to pay for people committing abuses.”¹²⁰ The US’ engagement is demonstrated through a range of public statements as well as a trove of diplomatic cases released by *Wikileaks* revealing the intensive involvement of State Department officials in reinforcing the Zero Tolerance policy with host governments and reporting on the “effectiveness of efforts to combat [SEA].”¹²¹ For example, the issue of SEA was raised by senior American diplomats during a meeting of the *US-India Joint Working Group on Peacekeeping*, who framed SEA as a problem that would “severely undermine the UN’s ability to carry out UN Security Council Resolutions.”¹²² The US tried to impress upon India that its “standing as a leading contributor to UN PKOs puts it in an ideal

position” to advocate for improved adherence to the Zero Tolerance policy by TCCs. This démarche seems to have born fruit, as India is perhaps the most vocal proponent of the Zero Tolerance policy to this day, and its Deputy Permanent Representative to the UN recently called SEA acts “abhorrent and repugnant,” especially due to the “confidence that has been reposed in blue helmets and in [the UN].”¹²³ The intention here is to show how word choice and tone matters in analyzing the international community's response to SEA, as they shape the signals received by the UN Secretary-General and guide his organization's response.

President Barack Obama has characterized SEA as “appalling” and “unacceptable.”¹²⁴ In a letter to Secretary of State John Kerry, Republican Senator Bob Corker, chairman of the Senate Foreign Relations Committee, wrote that the US should hold the UN to account for its “failure to properly enforce” the Zero Tolerance policy and that the US “must take the lead in matching words with action.”¹²⁵ Action, however, is less concretely defined, other than a suite of proposals for the UN to implement rather than any commitments from the US to fund the development and implementation of strengthened SEA prevention and response programming. The recommendations are, however, fairly robust. They include:

...encouraging TCCs to provide appropriate onsite courts-martial for criminal allegations against peacekeeping personnel; establishing a UN Security Council ombudsman to oversee peacekeeping operations; instituting standing claims commissions paid for by the TCC to address grievances of the host country nationals; and establishing

enforceable benchmarks that TCCs must meet in order to receive bilateral training and assistance benefits and to participate in peacekeeping operations.

In September 2015, Obama chaired a “Leaders' Summit on Peacekeeping” on the margins of the opening of the UN General Assembly. The Summit concluded with the adoption of a declaration by a very diverse array of governments¹²⁶, which devoted a large proportion of text to the issue of SEA:

We affirm that proper conduct by, and discipline over, all personnel deployed in UN peacekeeping operations are vital to their effectiveness. In particular, sexual exploitation and abuse by UN peacekeepers, including all civilian staff deployed to UN peacekeeping operations, against anyone is unacceptable. We reaffirm our support for the UN “zero tolerance” policy on all forms of sexual exploitation and abuse. We call on the Secretary-General to continue to strengthen the Organization’s prevention, enforcement and remediation efforts. We are committed to taking serious and concerted action to combat sexual exploitation and abuse, including rigorous vetting and training of uniformed personnel to be deployed to UN peacekeeping operations, as well as swift and thorough investigations, appropriate accountability measures and timely reporting to the United Nations on all incidents.¹²⁷

In considering the length of this passage and its strength of tone, one must recognize the impact of public and media engagement surrounding recent — and mounting — SEA allegations by

troops from a range of countries serving in and alongside the MINUSCA mission in CAR.¹²⁸ With 15 cases of SEA currently under investigation, this wave of allegations has generated significant attention, especially considering the typical characterization of CAR as the site of “the largest forgotten humanitarian crisis of our time.”¹²⁹ Yet public consciousness has been robust and influential, thanks in part to the launch of the *Code Blue* Campaign and its *Wikileaks*-like penchant for releasing internal UN documents pointing to a climate of bureaucratic protectionism, inaction and impunity for officials who turn a blind eye to SEA.¹³⁰ Despite the leaders’ forceful declaration — and the extent to which leaders were influenced by civic pressure in drafting and approving this text — the statement still conforms with, and endorses, the previously mentioned “minimalist” strategy that prioritizes protecting the UN’s reputation over the real “prevention, enforcement and remediation efforts” referenced in the Declaration. This is in part evidenced by the lack of financial commitments from Member States to implement these initiatives.

The statements made by specific leaders and governments similarly reinforce — at an increasingly blaring volume — the Zero Tolerance approach without offering pledges or commitments to materially advance SEA prevention and response capacities. French President François Hollande, in his immediate reaction to SEA allegations against his country’s troops in CAR, said he will “show no mercy” while the minister responsible for families classified SEA as a “double crime” in which those tasked with protecting already victimized women and children “are themselves predators.”¹³¹ Canada’s newly elected government, by contrast, has offered a practical pledge — incorporated directly into the mandate letter for the Minister of National

Defence, albeit without precise details or an action plan at this point — to lead “an international effort to improve and expand the training of military and civilian personnel deployed on peace operations, while insisting that any peacekeepers involved in misconduct be held accountable by their own country and the United Nations.”¹³² This passage was carried over from the Liberal Party of Canada’s platform and was presumably drafted during the period of global anger that followed the wave of allegations against troops in CAR. Meanwhile, it may very well be the first national political party election platform to refer to the role of a UN Member State in addressing SEA.¹³³ In terms of host countries, Morocco deserves credit as one of the few to take unilateral steps in response to SEA allegations against its troops. Morocco arrested the accused troops, who allegedly committed acts of SEA while serving in MONUC in the DRC, and dispatched a team of military investigators. For the US, this represented a “welcome sign” from a TCC to address SEA, one which helped “create movement towards effective action against offenders, and thus a substantially higher deterrence level against future misconduct.”¹³⁴

The response of the United Nations to SEA in peace missions

After over a decade of trial-and-error — interspersed with brief spurts of political momentum when, as in the CAR case in summer 2015, a wave of allegations shocks the conscience of the international community — the UN has arguably refined its immediate protocol for responding to SEA allegations, and it is an approach consistent with Jennings’ conception of a “minimalist” response that implements the Zero Tolerance policy and selects the UN’s reputation and image as the primary referent of protection rather than the affected population.¹³⁵ This can be observed in the rush to issue press releases and the conflation of media

relations with sustained action. An additional set of allegations against MINUSCA personnel in CAR was revealed in mid-November 2015, prompting the mission — after the release of a tightly-crated press release — to deploy “a multifunctional team to the location to gather the facts, sensitize the troops involved, and to take immediate preventive and disciplinary measures; and more broadly to take corrective action against misconduct behavior throughout the mission.” Yet it must be pointed out that the UN was ostensibly taking such “corrective behaviour” within this mission and across the organization over several years, whereas the press release suggests — likely to an audience of observers ‘tuning in’ to the issue — that this new allegation will somehow galvanize a new form, character and intensity of response. The press release might have referred to the UN’s long-term approach to the issue of SEA and reassured the public that the UN acknowledges its failures thus far and commits to integrating ‘lessons learned’ into revised strategies for SEA prevention and response. Instead the release acts as a cover for the UN’s media relations by emphasizing the unacceptability of the current situation and references the newly appointed Special Representative of the Secretary-General’s “sadness” given the continuation of SEA despite the Zero Tolerance policy.¹³⁶ But the release offers no helpful information about how the response in CAR is necessarily evolving. Another indicator of the UN’s minimalist approach is Under-Secretary-General for Peacekeeping Operations Hervé Ladsous’s comment to the Security Council that he gave troops in CAR “a very, very, strong worded speech based” reinforcing the Zero Tolerance policy.¹³⁷ Media reports dutifully noted the seriousness of these words and the tone and body language that accompanied their delivery, yet the public learned very little about how the UN is learning from mistakes — and, perhaps, drawing on the empirical research discussed earlier in this paper — to strengthen its response to

SEA and alter what Neudorfer calls the “situational opportunity structure” in which SEA becomes permitted, normalized and even incentivized.¹³⁸

The primary question asked in this section is how did the UN arrive at its current standard response to SEA, involving innumerable fact-finding investigations, focal points reporting from the field to headquarters, the implementation of “bunkerization” measures, disagreements over roles within the UN bureaucracy, high-level firing of top officials instead of repatriating accused perpetrators, and an attention span directly linked to the level of public and media interest in the issue of SEA within the UN system. What becomes apparent is that the UN’s minimalist approach leads the organization towards short-term ‘damage control’ when faced with SEA rather than well reasoned strategic planning and effective, well-resourced execution of prevention and response mechanisms. Moreover, in responding to allegations by trumpeting the Zero Tolerance policy, UN officials gloss over the fundamental flaws of the policy and, in turn, of a one-size-fits-all approach to SEA. A more useful policy would distinguish between types of SEA acts, between ages of the victims and their capacity to give consent, and between response measures best suited to the different types of personnel in UN missions (i.e. Jennings argues that Autesserre’s “bunkerization”-style measures limiting contact between personnel and locals are “only feasible for formed police units and contingent military battalions, rather than for civilian UN staff.”¹³⁹) A “maximalist” approach would instead see the UN relying “more on persuasion and effective enforcement than on tactics relying on physical separation and non-fraternization between UN personnel and local residents.”¹⁴⁰

On Mr. Ban's second day in office as Secretary-General, he was presented with his first report of SEA allegations, this time by Bangladeshi troops deployed to UNMIS. He quickly issued a statement reiterating the Zero Tolerance policy.¹⁴¹ One wonders if Mr. Ban was aware of the extent to which the issue of SEA would come to test his leadership of the UN — and, through the DPKO, the world's largest deployment of forces — and would beleaguer his second-last year in office. However, Mr. Ban is not the first Secretary-General to confront such a test, as evidenced by the 2003 Secretary-General's Bulletin described earlier, which prohibits SEA and classifies it as "serious misconduct" that may warrant summary dismissal or other disciplinary actions.¹⁴² Then as now, the Bulletin remains only partially helpful in an age when SEA is perpetrated by military and civilian personnel alike; the Bulletin only directly applies only to UN staff, and not to members of military contingents deployed to UN missions through Status of Forces Agreements forged between the UN and TCCs. The agreements, in turn, "reserve jurisdiction over criminal and disciplinary matters entirely to a peacekeeper's home country," and the obstacles associated with this reality may explain the UN's disappointing record of combating impunity for SEA perpetrators.¹⁴³ A scan of the quality and independence (or lack thereof) of the justice systems in many TCCs underscores the problems with the status quo. As Levine puts it, "to the extent that a justice system is corrupt or otherwise in a shambles, prosecution within it does not represent accountability/mutual vulnerability to the people in the area of operations," which as discussed *would* be the primary referent were the UN to adopt a "maximalist" response to SEA.¹⁴⁴ Moreover, the Bulletin directly references some of the internal barriers to effective SEA prevention and response — such as challenges with sharing information within the organization so as to ensure dismissed or disciplined SEA perpetrators are not later re-hired —

yet it is difficult to track or summarize any progress made on these largely technical issues during the dozen years that have passed since the Bulletin was published.¹⁴⁵ Indeed, an obvious yet unexplored theme in studying the UN's response to SEA is the lack of synchronicity between high-level rhetoric and engagement, and field-level or working-level change. The reality is that no degree of rhetorical sternness from Mr. Ban can address the complexities of adjusting practises within the sprawling organizational web of the UN, which — it must not be forgotten — is shaped and re-shaped by vastly divergent groupings of Member States, all of this occurring at the same time as a motley crew of NGOs and other actors try to prod the organization in one direction or another.

Faced with these dynamics, we are left with an organization that routinely produces codes of conduct and revises training programmes and guidelines, but that has failed over the years to significantly reframe its relationship with TCCs — through Status of Forces Agreements — to mandate their cooperation in bringing SEA perpetrators to justice.¹⁴⁶ Simply put, “no further regulations or directives are required” to address SEA, but heightened accountability structures are necessary.¹⁴⁷

This paper has adopted Jennings' conception of a maximalist and minimalist approach to SEA and has applied this research to the current context, in which the UN is facing significant pressure to address SEA and be *seen* as doing so by Member States and the broader public. Jennings describes MINUSTAH in Haiti as the classic “internally-oriented” minimalist mission — which prioritized the protection of the UN's reputation — and UNMIL in Liberia as the

classic maximalist case, in which the primary referent was the local population.¹⁴⁸ These two different “referents of protection imply different implementation priorities and imperatives, different enforcement practices” and different methods for addressing violations and preventing future ones.¹⁴⁹ This is, as such, a pragmatic typology, yet it is not intended to suggest that the two scenarios are mutually exclusive, nor that a mission adopting a minimalist approach cannot reorient itself towards a maximalist approach and vice-versa. An interesting additional layer of analysis revealed by Jennings involves the implications of a minimalist strategy, specifically that personnel subject to SEA complaints perceive the UN, their temporary employer, to be targeting them as part of a “moralistic crusade” and as a result of the need to be viewed as “doing something” in response to negative media attention.¹⁵⁰ Meanwhile, it is important to acknowledge a plausible counter-argument against the “minimalist” label, namely that the UN is justified in prioritizing the protection of its image, as any damage to a mission’s legitimacy may, as the Zeid report notes, “impede the implementation of its mandate.”¹⁵¹ Yet the more likely outcome of a minimalist response is — in contrast to stronger prevention and enforcement — a pattern of “ad-hoc and event-driven reactions” as well as a temptation to cover up potential scandals (witness the attempt to sanction UN official Anders Kompass after he tried to inform the French government of the SEA allegations unearthed against troops from that country deployed to CAR.¹⁵²)

The ongoing SEA debacle in CAR provides another example of the UN reinforcing the Zero Tolerance policy while deflecting attention from the organization’s failure to “address the circumstances of poverty and economic disparity” that fuel SEA, particularly transactional or

survival sex.¹⁵³ The Zero Tolerance policy has been the subject of significant debate, in part because those criticizing the policy's broad-brushed nature do not wish for an alternative scenario wherein SEA is not condemned nor prohibited. However, critics are aiming for a set of enforceable standards and rules across the UN that truly address the risk factors for SEA. The foundation of the problem is the ambiguity of the term SEA, which does not differentiate between sexual violence (including acts targeting minors) and less dangerous acts such as soliciting prostitutes.¹⁵⁴ According to Kanetake, this broad definition of SEA is necessary given the widely divergent laws in host states relating to sexual crimes. The broad definition is also supported by the wider public, which categorically deplores acts of SEA, though it is valid to question the UN for making policy and operational decisions on the basis of public perceptions rather than field-level needs and interests.¹⁵⁵

Many UN Member States endorse and trumpet the Zero Tolerance policy without any hesitation, when in fact it contains a number of flaws that impede efforts to address SEA. The policy aims to reduce the “demand side” of SEA involving prostitution and transactional sex, however by itself it cannot “change the fundamentals of the peacekeeping economy” — marked by inequality and instability.¹⁵⁶ Instead, the policy removes from conflict-affected women a key source of income that allows them to meet their needs and those of their families. A more effective deployment of the UN's political capital and normative power would focus on compelling TCCs to take responsibility for troops who violate established rules (and, in turn, human rights law), as well as extending the reach of the 2003 Secretary-General's Bulletin to apply to all categories of personnel.¹⁵⁷ McGill's analysis lends support to Jennings' “minimalist”

label, arguing that the “primary motivation of zero tolerance is restoring the reputation of UN peacekeeping” rather than protecting the human rights of local populations.¹⁵⁸ Most crucially, the policy “dissuades consensual, non-transactional sexual relationships” between personnel and locals *not* because they cause equivalent harm as, for instance, the abhorrent child abuse that has taken place in CAR this year, but because these acts “undermine the credibility and integrity of the work of the United Nations.”¹⁵⁹ This policy may serve the UN’s interest in a robust response, but its breadth frustrates field-level leaders responsible for enforcing the policy and generally lowers the likelihood that perpetrators of serious abuse against vulnerable individuals will be identified and held to account.¹⁶⁰ Higate, whose field research represents a pioneering contribution to the literature on SEA, offers a pragmatic recommendation that there be a clear distinction between types of SEA, including two types of prostitution — “survival prostitution,” upon which women rely for their livelihoods, and “consumerist prostitution,” in which women have greater control over with whom they engage in sexual acts.¹⁶¹ However, as revealed by the strained effort to respond to SEA acts in CAR, the most crucial distinction is between coercive, violent acts that directly abuse and exploit children and those that involve some measure of consent negotiated between adults. One may argue that no act of SEA can be precipitated by a genuine choice due to the “distorted power dynamics present in conflict,” and indeed this is not an attempt to minimize the harm of any particular type of SEA scenario, but rather to emphasize that scarce resources must be allocated in a way that protects the most vulnerable individuals from the worst forms of abuse and exploitation.¹⁶² As a prerequisite, a policy framework that captures this dynamic is needed, and the broad Zero Tolerance policy is not fit for purpose, regardless of the volume and vigour with which it is reaffirmed by world leaders. For Kanetake,

the Zero Tolerance policy is oriented around the “general public’s non-tolerance” for SEA, which has understandably grown more audible as the horrific CAR allegations have come to light.¹⁶³

Organizations like the UN should be influenced by voices from civil society, but internal policies should focus squarely on the needs of affected individuals and communities.

Conclusion: refocusing on the protection of civilians from exploitation and abuse

The year 2015 has seen an unprecedented amount of attention and resources devoted to improving UN peacekeeping. In his opening remarks to the *Leaders' Summit on Peacekeeping*, US President Barack Obama framed a strengthened and reformed peacekeeping architecture as essential for “collective security.”¹⁶⁴ The President also did not hesitate to explain the deleterious impact of SEA on efforts to advance international peace and security, calling the phenomenon “an affront to human decency” that “has a corrosive effect on global confidence in peacekeeping itself.”¹⁶⁵ Similarly, the final report of the Secretary-General’s High-level Independent Panel on Peace Operations examines SEA prevention and response in the context of “empowering the field and strengthening the foundations” of peace operations.¹⁶⁶ After decades during which the issue of SEA was treated in an isolated manner — divorced from broader challenges of combating sexual violence, let alone strengthening peace missions across the spectrum — the international community is today acutely aware of the impact of SEA and the consequences of inaction. Specifically, the High-level Independent Panel members made clear their view that other reform objectives — like “Setting clear direction and forging common purpose” and “Improving the speed, capability and performance of uniformed personnel” — will not fulfill their promise if patterns of SEA are not interrupted and accountability is not bolstered.¹⁶⁷ The

Secretary-General also accepted the SEA-related recommendations of the High-level Independent Panel, demonstrating a commitment to “stamp out this scourge.”¹⁶⁸ Yet he has the opportunity to shape a response to SEA that does not merely reiterate the weak Zero Tolerance policy, but rather ensures UN personnel are trained, regulated, and disciplined in a manner consistent with empirical research. With this in mind, Mr. Ban should consider the following recommendations:

1. Amend Memoranda of Understanding with TCCs to require all personnel to complete comprehensive training including an SEA component. As Neudorfer demonstrated, such training has a significant impact on SEA rates, whereas general in-mission training does not yield such an effect. Training programmes should seek to enshrine Levine’s “care ethics,” the set of virtues required for effective peacekeeping, namely attentiveness, restraint, and creativity.

2. Adopt a comprehensive approach to protection of vulnerable civilians, recognizing that SEA does not occur in a vacuum but rather becomes normalized in host communities where rates of sexual violence are high. Neudorfer and Nordås both found that intervenors tend to adapt to abusive subcultures, and their environments may exert a strong influence on their behaviour. In order to prevent SEA over the long term, resources must be harnessed to address sexual violence in host communities. This includes the sort of public outreach activities that increase civilians’ awareness of their rights under the UN’s own instruments of international human rights law.

3. Restrict exploitative interactions between peacekeepers and locals, but do not erect physical or psychological barriers that reinforce stereotypes or prevent the sorts of contact necessary for personnel to fulfill their mandate and provide assistance to conflict-affected people.

4. Address the culture of bureaucratic protectionism within the UN, which prompts officials to withhold information crucial to responding to SEA allegations.

5. Above all, take steps to transition towards a maximalist approach to SEA prevention, which views the protection of local populations as the primary referent of protection, over and above the goal of preventing damage to the UN's reputation. The preliminary proposals announced by Mr. Ban are, unfortunately, less likely to instil real change in the field than they are to attract strong reactions from Member States. Proposals like 'naming and shaming' TCCs whose personnel are implicated in SEA allegations are destined to result in increased resistance on the part of TCCs to proactively investigate allegations, rather than result in meaningful policy responses.

The current context is not likely to endure forever, and President Obama's commitment to strengthening the peacekeeping architecture may not be immediately maintained or echoed by his successor. It is therefore vital that the Secretary-General implement the recommendations of the High-level Independent Panel on Peace Operations and adopt an approach to the prevention, investigation, and prosecution of sexual exploitation and abuse that focuses above all other concerns on the needs, rights and realities facing the most vulnerable civilians who are mandated to receive protection and assistance by civilian and military personnel working in UN peace missions. While it may not be possible to completely eradicate SEA from UN peace missions, an evidence-based approach will increase the likelihood that perpetrators may be identified and held accountable for their abhorrent and damaging behaviour, and that the factors contributing to SEA may be mitigated in some of the most fragile regions of the world.

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