

Kathleen M. Jennings

# Protecting whom?

Approaches to sexual exploitation and abuse  
in UN peacekeeping operations





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## Acronyms

CDU	Conflict and Discipline Unit
DPKO	Department of Peacekeeping Operations
DRC	Democratic Republic of the Congo
FCD	Force Commander's Directive
FPU	Formed Police Unit
OIOS	Office of Internal Oversight Services
MINUSTAH	United Nations Stabilization Mission in Haiti
MOU	Memorandum of Understanding
NGO	Non-governmental organization
SEA	Sexual exploitation and abuse
SGB	Secretary-General's Bulletin
SRSB	Special Representative of the Secretary-General
TCC	Troop-contributing country
UN	United Nations
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNMIL	United Nations Mission in Liberia
UNPOL	United Nations Police

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## Executive summary

In order to combat the problem of sexually exploitative or abusive behavior by UN peacekeepers towards local citizens, the United Nations has instituted a “zero-tolerance policy” that a) prohibits the exchange of money, employment, goods, services, and other assistance for sex, b) prohibits UN personnel from having sexual relations with persons under the age of 18, and c) strongly discourages sexual relationships between UN personnel and adult beneficiaries of assistance. The promulgation of the policy in 2003 was followed by a series of institutional reforms, most notably the formation of Conduct and Discipline units in New York and within peacekeeping operations, and the expansion of the Office of Internal Oversight Service’s (OIOS) mandate to include investigations of SEA allegations. Peacekeepers found in violation of the zero-tolerance policy can be dismissed from UN service and/or repatriated, and may be subject to prosecution in their home country or military for criminal violations.

This policy report examines the institutional ramifications and manifold preliminary impacts of the zero-tolerance policy towards sexual exploitation and abuse (SEA) in two UN peacekeeping missions: the UN Stabilization Mission in Haiti (MINUSTAH) and the UN Mission in Liberia (UNMIL). It identifies enforcement problems that undermine the effectiveness of the zero-tolerance policy – problems that are unsurprising in an attempt to impose a particular normative standard on a large, culturally and socio-economically diverse peacekeeping mission population, in the context of a host society afflicted by widespread poverty, joblessness, and extremely distorted economies. It further argues that the two missions have taken different approaches to implementing the zero-tolerance policy according to different primary referents of protection – that is, differences in whether the primary task is protecting the local population from SEA or protecting the UN’s image from disrepute. In Haiti, the UN image was the primary referent, resulting in a minimalist, internally-oriented approach to implementation of SGB; while in Liberia, the local population was the primary referent, resulting in a more maximalist, externally-focused approach. Differentiating the two ideal types of minimalist and maximalist approaches does not imply a moralistic argument for one over the other. Rather, it provides some clarity going forward in terms of which actions and desired outcomes may be prioritized, possible, or unrealistic in different mission contexts employing the different approaches, as well as what the tradeoffs of different implementation modalities may be.

The report focuses in particular on the ways in which the zero-tolerance policy is interpreted and perceived by personnel serving in UN missions, whether as military, police or civilians, and whether as part of the Department of Peacekeeping Operations (DPKO) mission or as UN agency staff. Is the zero-tolerance policy being effectively communicated, and how do personnel's understanding and perceptions of the policy seem to relate to their expressed attitudes and observable behavior? The report also identifies the paradox that the zero-tolerance policy – which attempts to reinforce protections against exploitative and abusive behavior – seems to have unfortunately encouraged the persistence among a multitude of informants of racial and gender-based stereotypes about the local population, and occasionally of their fellow UN colleagues.

Key findings from the report include:

- The importance of context in the approach to implementing the zero-tolerance policy, taking into account the mission's capacity, resources, and previous behavior or history of misconduct, as well as whether there is local interest, capacity and national lead on SEA issues.
- The need to improve communication, cooperation, and limited information-sharing between the Office for Internal Oversight Services, the mission Conduct and Discipline Unit, and mission leadership, in a way that protects OIOS's independence and integrity while enabling mission leadership and CDU to more effectively and proactively manage problem individuals or groups on the basis of accurate information.
- The importance of moving SEA enforcement beyond its dependence on individual reporting by systematically integrating, prioritizing, and providing clear guidance on conducting SEA prevention and enforcement within existing activities being conducted by missions, including: night patrols by the mission's security unit, military police, and UN Police; investigations into curfew violations; listing and sporadically checking in on "out-of-bounds" establishments prohibited to mission personnel; and road checkpoints.
- In presenting and explaining the SEA policy, mission personnel must take care to avoid perpetuating, reinforcing, or introducing new stereotypes about the local population or fellow UN colleagues, via the zero-tolerance strictures – for example, by not over-exaggerating the risk of false allegations, indulging in scare tactics about HIV prevalence rate, or generalizing about the local culture and/or perceived sexual norms of certain groups of people.
- Either more guidance is needed on how to appropriately deal with the "strongly discouraged" standard for relationships with local residents, or the clause should be discarded – as it stands, the "strongly discouraged" standard merely complicates attempts to explain and fairly enforce the zero-tolerance policy and substantiate allegations, and also undercuts the policy's legitimacy among personnel.

# 1. Introduction

The problem of peacekeeper involvement in sexual exploitation and abuse against the local population first surfaced publicly in the 1990s with the UN peacekeeping missions in Cambodia, Bosnia and Herzegovina, Timor-Leste, and Kosovo (UN 2005a). However, it was not until 2002 – when allegations of widespread abuses by military and civilian personnel in West Africa and, later, the Democratic Republic of the Congo prompted outrage – that the issue of SEA and peacekeeping operations received concerted attention within the UN system. The United Nations subsequently formulated strategies to combat SEA by UN personnel in peacekeeping operations. Most important is the “zero-tolerance” policy towards sexual exploitation and abuse outlined in the Secretary-General’s Bulletin (SGB) of 2003 (UN 2003).

The SGB 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”; sexual abuse is “the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions”. The zero-tolerance policy prohibits the exchange of money, employment, goods, services, and other assistance for sex. The policy further prohibits UN staff from having *any* sexual relations with persons under the age of 18, regardless of the local age of consent or mistaken belief in the person’s age. In other words, sexual relations with persons under the age of 18 are de facto exploitative and/or abusive, and cannot be mitigated by other factors. Furthermore, all UN staff are obligated to report “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 (UN 2003: 2)”. Violations of the policy can constitute grounds for summary dismissal of UN staff.<sup>1</sup> Notably, however, the SGB does not prohibit non-transactional sexual relationships between UN staff and adult beneficiaries of assistance, although it does “strongly discourage” such relationships, citing the “inherently unequal power dynamics” upon which they

<sup>1</sup> Applicable punishments for violations of the zero-tolerance policy vary depending on whether the perpetrator is a UN staff member, an expert on mission (e.g. a member of the civilian police, UNPOL), or a member of a military contingent. This inconsistency will be explained in further detail in chapter 2, below.

are generally based.<sup>2</sup> The zero-tolerance policy is now typically amended or integrated into the codes of conduct that peacekeeping mission personnel pledge to uphold.

This policy report will critically examine the preliminary impact and implications of the zero-tolerance policy towards sexual exploitation and abuse in two UN peacekeeping missions: the UN Stabilization Mission in Haiti and the UN Mission in Liberia. It argues that the two missions have taken different approaches to implementing the zero-tolerance policy according to different primary referents of protection: in Haiti, the UN image was the primary referent, resulting in a minimalist approach to implementation of SGB; while in Liberia, the local population was the primary referent, resulting in a more maximalist approach. The report particularly focuses on the ways in which the zero-tolerance policy is interpreted and perceived by personnel serving in UN missions, whether as military, police or civilians, and whether as part of the DPKO mission or as UN agency staff.<sup>3</sup> Is the zero-tolerance policy being effectively communicated, and how do personnel's understanding and perceptions of the policy seem to relate to their expressed attitudes and observable behavior? The report also identifies the paradox that the zero-tolerance policy – which attempts to reinforce protections against exploitative and abusive behavior – seems to have unfortunately encouraged the persistence among a multitude of informants of racial and gender-based stereotypes about the local population, and occasionally of their fellow UN colleagues. The report does not focus on relating the experiences of victims of sexual exploitation and abuse. While these are valuable testimonies, which have received attention from media, nongovernmental, and UN sources (BBC 2006a, 2006b, 2006c; Eide Andersen 2008; Save the Children 2006, 2008; Martin 2005; Rehn and Johnson Sirleaf 2002; UN 2005a), the purpose of this report is to examine the institutional ramifications and multi-faceted impacts of the zero-tolerance policy.

The report begins with a brief discussion of the zero-tolerance policy – including some of the difficulties inherent in attempting to assess the policy's impact – and outlines the various SEA-related reforms and activities that have been implemented throughout the UN system in order to improve the institution's response to the prob-

<sup>2</sup> National staff of peacekeeping missions are not necessarily bound to the same prohibitions as international staff. For example, the UN Mission in Liberia code of conduct excuses national staff from the provision barring sexual activity with persons under the age of 18, noting instead that "This provision shall not apply to national staff of UNMIL involved in a bona fide relationship in respect of Liberian national law and customs . . .". According to informants, the age of consent in Liberia has long been 16, but the rape law passed in 2006 seems to have raised it to 18, although this was unclear among most local and international informants.

<sup>3</sup> UN agency staff are distinct from UN mission personnel. The former are usually referred to as the Country Team. This report uses "agency staff" and "country team" interchangeably. It also uses the acronym DPKO to refer to both the Department of Peacekeeping Operations and the Department of Field Support.

lem. Chapter 3 examines some of the challenges to enforcing the zero-tolerance policy, illustrating these with specific reference to the Haiti and Liberia cases. In chapter 4, I outline the two ideal types of protection mentioned above – protection of the local population and protection of the UN image – and analyze the impact that these ideal types have on the interpretation, implementation, and enforcement of the SEA policy. Chapter 5 returns to the issue of determining the zero-tolerance policy's impact, and examines some of its unintended consequences. The concluding chapter lays out findings of particular relevance for policymakers and practitioners.

## Methodology and ethical considerations

The research for this project was primarily conducted on two field visits, one to Haiti (7-26 October 2007) and the other to Liberia (14 November-2 December 2007), as well as during a period of desk research. In both Haiti and Liberia, the majority of the fieldwork was conducted in the capitals (Port-au-Prince and Monrovia, respectively), with short trips to towns also hosting a UN contingent and staff presence (Cap-Haïtien and Harper). In Haiti, the field team comprised Kathleen Jennings and Henriette Lunde; in Liberia, it consisted of Kathleen Jennings and Ingunn Bjørkhaug. In both sites, the research teams were given temporary ID cards from the respective missions in order to improve access to UN sites and enable transport by UN vehicles and helicopters. However, interviewees were always informed that neither researcher was at all affiliated with, or paid by, the United Nations, and that the research was being conducted independently on behalf of a project funded by the Norwegian government. Translation was used in Haiti and, to a lesser degree, Liberia.<sup>4</sup>

In both field sites, informants included military, civilian, and civilian police personnel working for the peacekeeping mission; local and international NGO representatives; UN agency staff; and local residents (male and female) covering a range of age groups and socioeconomic and political backgrounds. Among military personnel, informants were contingent personnel (primarily in focus groups) as well as staff officers in the mission headquarters; high-ranking officers as well as soldiers; and male and female soldiers. Only qualitative methods were used, including in-depth, sometimes repeated interviews; focus groups; participation in a UN-sponsored anti-prostitution workshop; observation in nightlife settings; accompanying daytime foot patrols and a nighttime vehicular security patrol; and many informal conversations with informants (used

<sup>4</sup>In Haiti we relied on French/ Creole translation with many of our local informants, while using English with most UN staff and higher-ranking military officers. In interviewing lower-ranking military personnel in Haiti, we relied on translation into Portuguese, Spanish, and Sinhala. In Liberia, we depended on translation to interview lower-ranking military contingent personnel from Senegal and Pakistan.

on background). In all, a total of 49 interviews and 12 focus groups were conducted. On average the interviews lasted over one hour, with many taking up to or over two hours; while the focus group discussions ranged in duration from approximately 20 minutes to over two hours. Interviews were considered off-the-record, meaning that the information could be used but not attributed unless permission was explicitly granted. Due to the sensitivity of the subjects discussed, we did not record interviews, but took extensive notes during and immediately afterwards. Throughout this policy report, I occasionally omit the mission or agency name in connection with certain informants, where including details of the mission or agency would comprise identifying information.

Going into the fieldwork, we did not expect informants to confess their own participation in sexually exploitative or abusive acts, although we discussed what our response should be were that to occur.<sup>5</sup> In the end it did not, although informants did tell stories about friends or colleagues and pass on rumors about various types of activities, sites for SEA, or specific groups within the mission considered the worst offenders. In Haiti in particular, we heard many rumors from non-mission sources about a particular contingent's activities in a certain section of Port-au-Prince. These rumors were later borne out with the repatriation, shortly after we left the field, of over 100 Sri Lankan soldiers and three officers after allegations of transactional sex, including with minors – a move that surprised us only because of the numbers repatriated (an entire company). The investigation conducted by the UN's Office of Internal Oversight Services into the allegations against the Sri Lankans is not publicly available.

On multiple occasions in both Haiti and Liberia, we personally witnessed situations that suggested that prohibited SEA activities could or would subsequently occur. Some of these situations were more blatant than others, but in no case did we actually witness acts that were in violation of the zero-tolerance policy. While as independent researchers we are under no obligation to report SEA violations (or suspicions of the same), the experience of witnessing such scenes was important in familiarizing us with the dilemma faced by many of our informants: when do you act on your suspicions and report someone (thus possibly jeopardizing their career on the basis of little or no direct proof), and when do you quell your suspicions and keep your mouth shut (knowing that your silence could allow SEA to occur with effective impunity)? As indicated by the under-reporting and enforcement problems outlined later in this report, many choose to stay quiet rather than report a friend or colleague.

This approach taken in this policy brief is congruent with critical security studies, especially the growing body of work on critical approaches to peacekeeping and

<sup>5</sup>We concluded that we were under no obligation to report SEA violations that were confessed personally to us unless they rose to the level of a crime under Norwegian law (which we are bound by) or the applicable host jurisdiction. We would not report any such information passed on to us secondhand.

peacebuilding. It also draws on insights from feminist scholarship focusing on military masculinities, prostitution, and sex tourism, as well as feminist critiques of UN peacekeeping (see especially Whitworth, 2004). This report does not address the specific problem of human trafficking into or from peacekeeping mission areas – an omission that simply reflects the researchers’ need to limit the project’s scope, rather than a lack of awareness of past (and possibly recent) peacekeeper involvement in such practices.<sup>6</sup> This report is also very much grounded in the empirical research conducted in Haiti and Liberia. While some cross-cutting themes, practices, and problems are expanded upon and generalized in order to form the basis for recommendations, the findings should not be perceived as universal across the spectrum of peacekeeping operations.

Finally, I use the term “prostitution” rather than “sex work” throughout this policy brief. Per Brunovskis and Tyldum (2004:19), this is not owing to a particular desire to place myself on one side of a highly contentious debate or lack of sympathy with the sex workers’ rights movement, but rather a reflection of dominant usage: UN documents and policies themselves (at least those relating to the specific problem of SEA in peacekeeping operations) typically refer to “prostitution” or “prostitutes”.<sup>7</sup> While I attempt to use gender-neutral terms, simplicity sometimes prevails: in those cases I normally refer to the exploiting or abusing party as male and the exploited or abused party as female. I also subscribe to the idea that men, women, and children possess agency, while recognizing the very real constraints that can limit people’s ability to act according to their own perceptions of their best interests. The analytical construct of agency invariably gets complicated when applied to life in conflict and post-conflict areas – as does the concept of exploitation. In general, this tension between ideals, norms, and practices – life as it could be, life as it should be, life as it is – is a common theme throughout this paper.

<sup>6</sup>For example, UNMIL’s *Report on Sexual Exploitation and Abuse for the period January to June 2007* notes: “A joint team from Save the Children UK and UNMIL visited Bo Waterside and Sanjanama from 19-21 June 2007 to follow-up on a report . . . which indicated that SEA is prevalent in the border areas and involves UNMIL military personnel, local officials, business people and NGO’s. The joint assessment confirmed the numerous reports of the trafficking of girls and women for sex from Sierra Leone although specific cases were not identified (UNMIL 2007: 3-4)”.

<sup>7</sup>See for example the Zeid report (UN 2005a), which refers to the use of adult prostitutes; and the UNMIL Code of Conduct, distributed to all mission personnel, which proclaims that “The presence of UNMIL personnel in bars, nightclubs or other places where services of prostitutes are available . . . is prohibited”. See also elsewhere in the main text on the Conduct and Discipline Team’s Campaign to End Transactional Sex/ Prostitution. By contrast, the UNIFEM-commissioned report *Women, War and Peace* (Rehn and Johnson Sirleaf 2002) uses the term “sex workers”.





## 2. Setting the context: zero-tolerance policy overview and application

In the wake of the 2003 Secretary-General's Bulletin prohibiting acts of sexual exploitation and abuse by UN staff, an analysis of the problem of SEA by UN peacekeeping personnel was undertaken. This was led by Prince Zeid of Jordan and released in 2005 as *A comprehensive strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations* (UN 2005a, hereafter the Zeid report).

The Zeid report first outlines the difficult contexts in which peacekeeping operations occur, then identifies and formulates recommendations on four main areas of concern: the rules governing status and conduct of peacekeeping personnel; the investigative process for allegations of SEA; organizational, managerial, and command accountability; and individual disciplinary, financial and criminal accountability. The Zeid report identifies as problematic the fact that the SGB does not, of its own force, apply to all three categories of personnel involved in peacekeeping operations. This is because UN civilian staff, civilian police (UNPOL), and military personnel each have a distinct legal status and are therefore governed by different rules and disciplinary procedures.<sup>8</sup> As written, the SGB applies only to UN staff – that is, to the civilian (non-police) staff of the DPKO-led mission and the UN country team.

A key recommendation of the Zeid report is therefore that “rules against sexual exploitation and abuse must be unified for all categories of peacekeeping personnel (UN 2005a: 31)”. On the military side, this would imply a) incorporating the standards set forth in the SGB into the model memorandums of understanding (MOU) between the UN and troop-contributing countries (TCCs), and b) including in the model MOU a requirement that TCCs countries issue those standards in a form binding on their contingent personnel. Subsequently in July 2007, the General Assembly adopted the recommendation that the UN's standards of conduct, including on SEA, be included in the revised model MOU between the UN and TCCs.<sup>9</sup> This change is not retroactive to the MOUs already adopted for pre-existing missions.

Other key recommendations from the Zeid report include:

- Establish a professional investigative capacity independent of the missions.

<sup>8</sup> Civilian police are considered experts on mission.

<sup>9</sup> See: <http://www.un.org/News/Press/docs/2007/ga10605.doc.htm> (accessed 7 July 2008).

- Improve peacekeeper training and living conditions, and implement more effective mission outreach to local communities around the issue of SEA and peacekeeping codes of conducts.
- Provide/improve complaint mechanisms for victims, data collection and management systems, and feedback and assistance programs to victims.
- Make managers' (whether civilian, civilian police, or military) performance assessments based at least in part on how well they implement policies and programs against SEA.
- Create a dedicated capacity at Headquarters and in missions to facilitate the development and implementation of measures against SEA; and a dedicated capacity at Headquarters to address cases of misconduct and ensure that disciplinary procedures are applied consistently throughout and within missions and categories of personnel.
- Hold individuals professionally, financially, and/or criminally accountable for actions in violation of the SGB.

Since the Zeid report's release, the Department of Peacekeeping Operations has implemented some of its recommendations, most notably by establishing a Conduct and Discipline Team at Headquarters and similar units (CDUs) in missions (including Haiti and Liberia).<sup>10</sup> These teams are "the primary mechanism to implement the Department's comprehensive strategy on sexual exploitation and abuse by United Nations peacekeeping personnel and to address conduct and discipline issues more broadly (UN 2006a: 5)"; a key component of their work is developing and providing training on SEA to incoming mission personnel. On the basis of findings from field missions in early 2007, the Conduct and Discipline Team in New York devised a Campaign to End Transactional Sex/Prostitution, in conjunction with mission-level CDUs. This sits alongside DPKO's general anti-SEA strategy, which is three-pronged and comprises measures aimed at prevention of misconduct; enforcement of UN standards of conduct; and remedial action.

Within the missions, the CDUs can receive allegations of SEA, and are further responsible for ensuring that all allegations received are followed up – whether they are reported directly to CDU, via an SEA focal point, or through other staff or offices. Allegations can be received from either internal sources (UN system) or external sources (e.g. local residents, local police authorities, and non-UN organizations). Notably, however, the CDUs at mission level do not have the authority to investigate

<sup>10</sup> Conduct and Discipline Units at headquarters and in missions deal with all conduct and discipline matters involving all categories of personnel in peacekeeping operations, not just SEA issues. See: <http://www.un.org/Depts/dpko/CDT/about.html> (accessed 13 February 2008).

SEA allegations, which comprise ‘category one’ (serious) disciplinary offenses; as of September 2005, these are instead referred to and investigated by the UN’s internal oversight arm, the OIOS.

Because the OIOS is not a component of peacekeeping missions, but rather an independent office reporting directly to the Secretary-General, granting it investigating authority over SEA cases fulfils another of the Zeid report’s main recommendations.<sup>11</sup> As an independent office, the reporting line for OIOS’s investigation results initially bypasses the mission leadership, going from OIOS at mission-level to the OIOS leadership in New York, then horizontally to DPKO and affected member state permanent missions in New York, before filtering back down to DPKO in the field. Yet the relationship between the OIOS and the mission CDU seems to vary substantially between missions. Significantly, where there is a lack of mutual horizontal communication in the field between the OIOS, CDU, and mission leadership, this seems to be a source of tension and distrust. Indeed, we heard from one well-placed informant that rivalry and dysfunction between mission-level CDU and OIOS offices is the rule rather than the exception.

In addition to formulating recommendations, the Zeid report also highlighted some legal and practical barriers to levying accountability on peacekeeping personnel for acts committed during peacekeeping operations. These barriers have subsequently been addressed in two Groups of Legal Experts, which submitted separate reports in 2006 (UN 2006c; UN 2006d). The first Group of Experts report focuses on ensuring accountability of UN staff and experts on mission for criminal acts committed in peacekeeping operations. It concludes that host state jurisdiction should be prioritized in such cases. Where the effective exercise of host state jurisdiction is unfeasible, the Group recommends “the development of a new international convention to address jurisdiction and related issues (UN 2006c: 2)”. With respect to administrative investigations of wrongdoing, the report concludes that the role of the OIOS is to some extent compromised by confusion within the organization over the Office’s role and purview. The OIOS was also deemed under-resourced (UN 2006a).

The second Group of Experts report focuses on two other aspects of accountability: applying the SGB to members of military contingents before the MOU or similar document is signed (thus avoiding a legal “gap period”); and standardizing the norms of conduct across all categories of peacekeeping personnel. The latter was an attempt to provide means of operationalizing one of the main recommendations from the Zeid report. Ultimately, however, the Group concludes only that the possibility of applying the same norms to all peacekeeping personnel should be kept open, but concedes that:

<sup>11</sup> During fieldwork we heard of at least one occasion when the OIOS referred a case back to the mission CDU for investigation; the CDU then requested the Special Investigations Unit (of the Department of Safety and Security) to conduct the investigation. Our informant said that this was due to lack of resources on the part of OIOS.

“[A]s the different categories of peacekeeping personnel serve the United Nations under different terms and conditions and perform different functions, having a single set of norms in relations to all conduct and for all categories of peacekeeping personnel is neither practical nor necessary (UN 2006d: 14)”. In other words, the practical difficulties of standardizing norms of conduct are daunting because of the obstacles posed by the different legal standings and rules related to the different categories of personnel. These cannot be easily wiped away, even if they sometimes seem obstructive.

Moreover, where standardizing codes of conduct has been successfully attempted – as with the revised model MOU mentioned above – there have been trade-offs involved. For example, the revised model MOU, in addition to integrating UN standards of conduct, also shifts some of the investigating authority for acts committed by military personnel to their home militaries. In other words, national militaries now conduct their own investigation of their own troops (either alongside or in some cases instead of the OIOS), and have discretion in acting upon those findings – thus proving the point that standardizing codes of conduct is not a silver bullet in terms of ensuring equal treatment of different categories of personnel. Indeed, among informants familiar with the revised model MOU, it was perceived as a mixed blessing for the enforcement of the SEA policy. It is evident that standardizing codes of conduct does not require or imply standardizing disciplinary regimes or sanctions.

Since receiving the reports of the Groups of Legal Experts, the UN has more recently focused attention on improving the assistance given to SEA victims, most notably by convening an Open-ended Working Group on Assistance and Support to Victims of Sexual Exploitation and Abuse. The Working Groups has been tasked to prepare a strategy to provide material, medical, legal, and psycho-social support to SEA victims and complainants (see UN 2007c).

## **A difficult problem to measure**

The UN system has maintained data on investigations into SEA and related offences since at least 2003 (see UN 2005b; UN 2006b; UN 2007b; UN 2008). The number of reported allegations of SEA in 2004 was 121, more than double the figure for 2003; and this more than doubled again in 2005, totaling 373 allegations. Some of this increase likely owed to greater awareness about SEA among local populations and UN personnel and/or better reporting mechanisms, although this is impossible to determine definitively. The number of SEA allegations leveled off in 2006, totaling 371 (UN 2007b); and in 2007, the number of received allegations dropped dramatically to 159 (UN 2008), although this number may be artificially low (see footnote 12 below). Besides the rapid increase, and equally rapid decrease, in the number of reported allegations

from 2003-2008, two other points stand out from the UN statistics: first, that the vast majority of allegations involve DPKO personnel, especially uniformed personnel; and secondly, that there is not much consistency in the substantiation rate of allegations. For example, only 21 allegations received in 2006 were determined to be substantiated by the end of the year, out of 92 completed investigations (UN 2007b) and 371 total allegations. In 2007, conversely, there were 135 substantiated cases by the end of the year, out of 164 completed investigations (UN 2008).<sup>12</sup>

Although the military component of DPKO personnel receives by far the most allegations – and is also by far the largest category of personnel active in peacekeeping operations worldwide<sup>13</sup> – it is worth stressing that the military is by no means the sole offending actor with regards to SEA. Anecdotally, several sources in both missions indicated that UNPOL officers are now perceived as some of the most problematic actors in terms of SEA violations.<sup>14</sup>

It is nevertheless crucial to note that, in both Haiti and Liberia, most informants considered under-reporting of SEA violations to be a serious, albeit necessarily unquantifiable, problem: at an anti-SEA workshop in Port-au-Prince, for example, most participants were openly skeptical, if not outright dismissive, of official UN figures of only six reported cases of transactional sex in Haiti through the first nine months of 2007. The under-reporting problem will be examined more thoroughly in chapters 3 and 5, below. Additionally, the numbers collected by the UN naturally do not include allegations against other entities involved in mission areas, such as NGOs, regional organizations, and private contractors or businessmen. In terms of their ability to shed light on the totality of the problem of sexual exploitation and abuse in peacekeeping mission areas, therefore, these statistics should therefore be taken with a hefty grain of salt. Thus, I generally do not refer to the publicly available statistics in this report.

<sup>12</sup> The 2007 statistics are somewhat confusing, given that there were more completed investigations (164) than reported allegations (159). This is seemingly due to the large repatriation of Sri Lankan peacekeepers from Haiti. 111 Sri Lankan peacekeepers were ultimately repatriated, and these cases constitute the bulk of the 164 completed investigations. However, there were only 19 total allegations received against MINUSTAH personnel for the whole of 2007, which indicates that one or more specific allegations were applied to the entire group, but only counted once. If this explains the discrepancy between received allegations and completed investigations – which is not detailed in the narrative report accompanying the statistics – then it would indicate either that the total number of received allegations is artificially low, or that peacekeepers were being repatriated in the absence of specific allegations against them personally.

<sup>13</sup> As of October 2007, there were approximately 73,300 military personnel in UN service; 9,400 UNPOL personnel; and 5,900 international civilian DPKO staff (Center on International Cooperation 2008).

<sup>14</sup> This perception is not borne out by the UN's statistics, which show significantly more investigations of military rather than civilian police personnel.

## A clarification on application and sanctions

The zero-tolerance policy easily gives rise to confusion on its application and possible sanctions, thus requiring clarification.

First: as noted above, the SGB only applies of its own force to UN staff, rather than all three categories of personnel involved in peacekeeping operations. This gap is now essentially filled by the revised model MOU adopted in 2007. In this respect, it is important to note that military personnel in Liberia and Haiti – although operating with older MOUs – are also subject to SEA regulations, through the integration of the SEA policy into the mission code of conduct and/or the use of Force Commander Directives to make adherence to the zero-tolerance policy a standing order. Indeed, in Haiti the Force Commander's Directive actually overrides the SGB in one area, by prohibiting *any* sexual relationship between military contingent personnel/staff officers and locals – a stricter policy than the standard that applies to relationships between UN staff and locals. Furthermore, immediately upon rotation into missions, all incoming military personnel (like their civilian counterparts) now receive SEA-related training.<sup>15</sup>

A more important manifestation of the difference between the various categories of personnel is that the *sanctions* indicated for SEA violations continue to vary according to category. For example, a civilian UN staffer found to have violated the SEA policy can be fired and sent home; while a soldier or civilian police officer in similar circumstances can be repatriated but not necessarily fired or further punished, the latter actions being at the discretion of the sending military or police authority.

All the same, the choice between repatriation, dismissal, or less grave punishments is a reminder that the zero-tolerance policy and related punitive actions are strictly administrative matters. In UN parlance, SEA is always considered a category one offense, placing it among the most serious offenses that can be committed. But the punishments the UN can levy are, of course, limited. Repatriation and/or dismissal, the garnishing of wages, and blacklisting (preventing deployment into future peacekeeping missions) are the heaviest possible sanctions that can be levied by the UN; and as noted immediately above, in the case of the military the fate of repatriated personnel is the prerogative of the sending force. When soldiers are repatriated, the UN requests to be informed on any follow-up actions taken by the military (or police authority, in the case of repatriated civilian police). Yet there may be a disconnect between UN administrative standards and the legal regimes of the troop-contributing countries/militaries. Some of the activities covered by the SEA policy are legal in many countries and their militaries – such as having sex with prostitutes, having sex with a 17 year-old, or exchanging some form of assistance or favors for sex. For such violations, it is likely

<sup>15</sup> Some military personnel also receive pre-deployment training on SEA from their home militaries, although this practice is not standardized and the quality of training cannot be vouched for.



that a soldier could be punished or discharged for e.g. disobeying a standing order or conduct unbecoming: charges relating to disciplinary failures rather than the issue of exploitation and abuse as framed by the UN.<sup>16</sup> This is not to say that some national militaries do not take seriously SEA offenses committed by their soldiers in peacekeeping operations. In the case of the aforementioned Sri Lankans repatriated from Haiti in 2007, for example, the Sri Lankan military has said it will conduct military legal proceedings and strongly punish those found guilty.

Yet what is often overlooked is that the disconnect between the UN administrative rules and home legal regime holds true for civilian staff as well. That a person is fired from their UN job does not imply further action on the part of his/her home country, especially where the violation does not rise to a level of a crime in the home jurisdiction. Indeed, because there is no such thing as “conduct unbecoming” or disobeying an order among civilians, they may be less likely than military personnel to see further punishment beyond the administrative sanctions meted out by the UN.

Moreover, even where there is an underlying crime (such as rape, attempted rape, assault, or statutory rape), it is still primarily left to the civil or military justice systems of the home country to decide whether or not to prosecute. These decisions will likely be determined on the basis of issues of jurisdiction, ease of evidence gathering, and prosecutorial will. Prosecuting crimes that occur in a different jurisdiction can be both difficult and costly. There is no evidence to suggest that civilian staff or experts on mission that commit SEA-related crimes in-mission are held criminally responsible in their home jurisdictions, much less that they are generally punished to a greater degree than their military counterparts. Indeed, the scanty evidence of national follow-up to SEA cases suggests that the opposite may be true.

As noted above, the first Group of Legal Experts (UN 2006c) recommended that host country jurisdiction be prioritized in criminal cases involving mission personnel in mission areas, meaning that prosecutions for SEA-related crimes would not depend on the initiative of the home prosecution service or military. However, this is probably unlikely in most cases. First, while the Special Representative of the Secretary-General (SRSG) can waive the immunity of UN staff in peacekeeping operations, thus theoretically allowing for host state prosecution, s/he cannot do so for military personnel. Furthermore, the issue of whether or not an SRSG would ever waive the immunity of a UN staffer is one of some debate, considering the dubious state of the legal and penal systems in most countries hosting peacekeeping operations. It is hard to imagine that such a step would even be considered unless the crime committed was extremely

<sup>16</sup>Our impression from many of our UNPOL informants was that there are even less consequences for repatriated UNPOL personnel, especially those recruited by and processed through a private contractor, as is the case with US UNPOL officers. This should not, however, be read to imply that US police personnel are more (or less) implicated in SEA offenses than other categories or groups of peacekeeping personnel.

grave, and some sort of safeguards were put in place to ensure a fair trial and sentencing, presumably including an assurance that capital punishment would not be sought.

Regardless, the crux of the matter is that the UN cannot compel home or host countries/militaries to launch prosecutions on the basis of even grave violations of the SEA policy. Perhaps unsurprisingly, most of our informants within the missions felt that dismissal or repatriation were serious consequences for committing sexual exploitation and abuse, especially where the offenses committed concerned “only” prostitution; while many local informants argued that repatriating personnel was more akin to evading justice by spiriting away the alleged perpetrators.

## What “really” counts as SEA?

The SEA policy also contains some ambiguity with regards to its scope: that is, what is actually prohibited. Although not contained in the text of the SGB, the UN increasingly prefers the term “transactional sex” to describe the types of interaction forbidden by the zero-tolerance policy.<sup>17</sup> Transactional sex includes, but is not exclusive to, prostitution. It captures the fact that sexual encounters or relationships that do not take the form that many associate with prostitution – that is, a time-limited, more-or-less anonymous encounter – can nevertheless involve an element of exploitation and exchange banned under the zero-tolerance policy.

Yet this is an ambiguous standard. While prohibiting transactional sexual encounters is straightforward, the ability to distinguish between “transactional” and “real” *relationships* is difficult. This distinction is, however, key to the zero-tolerance policy, because not all sexual relationships with local partners are off-limits – even though these are always presumed unequal and therefore “strongly discouraged”.<sup>18</sup> Although not defined by the CDU or UN documents, “transactional” relationships would seem to refer to relationships where both partners benefit in some way from the arrangement and the main form of exchange is in-kind rather than cash (e.g. mobile phone top-up cards, clothes, groceries, restaurant meals, entertainment, school fees, payment of hospital bills or rent, etc). A transactional relationship could be considered as essentially an open-ended, non-contractual exchange “based on only a very general, implicit understanding that some form of payment (O’Connell Davidson

<sup>17</sup> An example being the Conduct and Discipline Team’s Campaign to Prevent Transactional Sex/ Prostitution, launched in 2007.

<sup>18</sup> Again excepting the military personnel in Haiti covered by the stronger standard imposed by the Force Commander’s Directive. Stronger standards have also been imposed in the Democratic Republic of the Congo, and may be in place in other missions.



1998: 78)”, monetary or otherwise, will be forthcoming.<sup>19</sup> Such relationships would presumably be prohibited by the SGB in the same way that transactional sex is prohibited. Nevertheless, according to the UN’s own definition in the SGB, it is difficult to say unequivocally whether such a relationship is or is not exploitative. Instead, in the case of the zero-tolerance policy, the ambiguity between what constitutes a “real” relationship (strongly discouraged but permitted) and an exploitative transactional one (prohibited) is an unresolved issue left to be grappled with by mission personnel, management, and those charged with investigating allegations. This compromises the policy’s consistency and enforcement.

Indeed, our informants charged with enforcing or investigating the zero-tolerance policy almost uniformly derided the ambiguity of the zero-tolerance policy with respect to sexual relationships between adults. One investigator confessed that, from a purely investigative standpoint, the “strongly discouraged” clause is impossible to deal with; and that, if it were up to them, the zero-tolerance policy would either really be zero-tolerance (i.e. no sexual relationships of any kind), or else would allow any sexual relationships that did not involve physical abuse or minors. Attempting to decipher and enforce the murky in-between was, to this informant, a waste of their time.

Significantly, even where the zero-tolerance policy is unambiguous, there was a distinction made by many informants between what should (and should not) “really” be a punishable SEA offense. This distinction recurred often and, while hardly standardized, seemed to break down along the following lines: “real” SEA offenses consisted of physically violent or abusive sexual activity (rape, assault) or sex involving minors (especially “younger” minors, under the age of 16); while sex with a prostitute, sex with paid house-help or someone in a similarly subservient (but paid) position, or sex with an “older” minor (over the age of consent locally or in the home state) seemed to be deemed borderline or less offensive.<sup>20</sup> A similar distinction was made, rather surprisingly, in a semi-public (on-the-record) forum by a UN official charged with SEA policy enforcement: he claimed that the use of the term “victim” was problematic in

<sup>19</sup> In this quotation O’Connell Davidson was referring specifically to the phenomenon of sex tourism.

<sup>20</sup> Conversely, Higate and Henry’s analysis (2004: 489) pegged the dividing line between “acceptable” and “unacceptable” sexual behavior as depending on the person being legally an adult: “In the minds of many of the peacekeepers, 18 seemed to be a crucial age at which to distinguish between consensual and non-consensual relations. If women having sexual relations with peacekeepers were 18 or older, they were seen as agents rather than victims.” At the same time, there is evidence that many users of child prostitutes do so accidentally – that is to say, the clients are not necessarily interested in having sex with children (i.e. are not pedophiles), but accept the child’s statement of their age without question (O’Connell Davidson and Sanchez Taylor 1996). They therefore convince themselves that they are having sex with an adult, notwithstanding the child’s young appearance.

SEA cases because, he explained, not all SEA cases involve non-consensual sex.<sup>21</sup> In his reckoning, people that are raped are “victims”; people that claim sexual exploitation and abuse in relation to consensual transactional sex are not victims, because they have an “interest” in this activity. In fact, he claimed, the latter cannot even be considered as “allies” in the UN’s campaign (see also chapter 3 below). Needless to say, this is not the way the policy is framed by the SGB. Finally, a number of informants questioned the premise that consensual sex and/or relationships between adults should be assumed exploitative by default; and, in the case of ongoing peacekeeper-local relationships, asked whether it wasn’t the UN employee supporting the local resident that was the one being exploited.

Noting that informants make distinctions between different types of prohibited or discouraged activity is not to claim that informants do not understand the terms of the SGB; informants generally did, but nevertheless judged some types of activity more severely than others. Nevertheless, it is worth reiterating that the same ultimate sanction (repatriation, dismissal, blacklisting) applies to the entire spectrum of SEA violations. This implies equivalence between seemingly “lesser” infractions and grave abuses, which can plausibly be spun one of two ways: as “getting tough” on SEA; or as belittling the seriousness of “real” abuses, thus making a mockery of the policy and potentially diminishing the chances of effective enforcement. It is to the subject of enforcement that this report now turns.

<sup>21</sup> In this case the speaker seemed to have a rather under-developed notion of the idea of consent and ability to consent. The distinction drawn between victims and non-victims in SEA cases occurred in the context of a discussion in which the speaker related an SEA case that had occurred in Gonaïves, Haiti in 2005. As he related the case, it involved three peacekeepers using an intermediary to arrange sex with a 23-year-old woman, the sex occurring outside of a petrol station. The speaker later revealed that the intermediary was the woman’s aunt, and that the woman herself suffered from some kind of (unspecified) mental disability. Yet he persisted on insisting that what occurred was not rape, because the woman consented to the transaction; and moreover, that it was her aunt that pimped her, as if to imply that being pimped by a family member is somehow less problematic (or more indicative of consent) than being pimped by someone outside the family. The victimhood issue arose when the speaker came perilously close to suggesting that the peacekeepers were the real victims, by emphasizing the harshness of their punishment (repatriation and, he said, dismissal from home militaries and short jail sentences in the home country), and contrasting this using the repeated claim that the “girl was not raped . . . [and] knew what she was doing”. Yet the issue of mentally disabled people’s ability to consent to sex is extremely contested legally, ethically, and politically; one British government law commission report frames the dilemma as “the appropriate balance between paternalism and the right to respect for private life (The Law Commission [UK] 2000: 15)”. Without fuller knowledge of the nature and severity of the woman’s disability, it is impossible to gauge the extent to which she was able to consent. It was nevertheless troubling to this observer (and many other forum participants) that the speaker – who was, after all, occupying a position of authority in relation to the enforcement of the zero-tolerance policy – seemed unwilling to entertain the notion that the woman’s ability to consent to sex with multiple unknown partners on her aunt’s behest, may have been affected by her “mental problems” (his term).

### **3. Can zero-tolerance be enforced? – Limitations in Haiti and Liberia**

In light of the significant attention being paid to SEA within missions and by UN headquarters, it is useful to briefly discuss the way in which the zero-tolerance policy seems to be enforced in Haiti and Liberia. It has already been noted in chapter 2 that underreporting is considered a serious problem when it comes to SEA. This illustrates the dilemmas inherent in attempting to enforce – in a limited and somewhat haphazard way – a particular normative standard on a large, culturally and socio-economically diverse peacekeeping mission population, in the context of a host society afflicted by widespread poverty, joblessness, and extremely distorted (and highly gendered) peacekeeping economies.<sup>22</sup>

In both Haiti and Liberia, as elsewhere, enforcement of the zero-tolerance policy depends on reporting. But what is noteworthy is not that reporting factors into enforcement, but that reporting essentially is enforcement. While to some degree enforcement has been attempted by limiting the extent to which UN personnel and local residents come into contact with each other – for example, by cordoning off bases and living areas and closely controlling movement into and out of guarded compounds – this approach is only feasible for formed police units (FPUs)<sup>23</sup> and contingent military battalions,<sup>24</sup> rather than for civilian UN staff or other UNPOL. Overall it remains the case that, independent of the mechanism of reporting, the ability to enforce the SEA policy has been extremely constrained.<sup>25</sup>

<sup>22</sup> On the highly gendered and sexualized nature of peacekeeping economies, see Jennings (2008); Rehn and Johnson Sirleaf (2002). For more on the peacekeeping economy in the context of SEA, see chapter 5 below.

<sup>23</sup> Formed police units are essentially paramilitary units that, while a part of UNPOL, deploy together as a group and live in military-like conditions. They are used for riot control and other specialized tasks.

<sup>24</sup> It is worth noting that contingent military units or companies cannot always be isolated inside military barracks or compounds. Units or companies deployed in urban areas, for example in parts of Monrovia, can be living in small groups in the middle of tightly packed urban residential areas, making it more difficult to control movement around and into the compound compared to bases that are large, relatively set apart from their surroundings, and walled and gated.

<sup>25</sup> See also Save the Children (2008) on the problems facing children in particular when it comes to reporting sexual abuse and exploitation.

For example, in both Haiti and Liberia there were other activities occurring that could potentially contribute to enforcing the zero-tolerance policy: night patrols by the mission's security unit, military police, and UNPOL; the imposition of curfews; the listing of "out-of-bounds" establishments prohibited to mission personnel;<sup>26</sup> the establishment of nightly checkpoints, whether for general security reasons or as part of anti-drunk driving campaigns; and of course, the training on SEA provided to all new personnel. However, the effectiveness of these activities against SEA seemed limited, with the possible exception of the SEA training.<sup>27</sup> This is because the anti-SEA aspect of these activities is secondary – an add-on to their primary goal of monitoring and improving the security situation for both local residents and UN personnel. Thus, for instance, with night patrols conducted jointly between the military and/or UNPOL and the local police (the Haitian National Police or the Liberian National Police), the main objective is to project a sense of security and deal effectively with any disturbances that may occur, not to ferret out SEA violations. Similarly with night patrols by security officers (where they occur), the overarching objective is to keep an eye on what is going on in the area of operation and watch out for the security of UN personnel and facilities. Although all personnel are obligated to report any SEA violations they witness (per the SGB), they are not obligated to be pro-active in uncovering or preventing violations. Indeed, one well-placed informant confirmed that, in that particular mission, virtually no SEA-related reports were received from patrolling operations. Furthermore, some informants – although acting in roles in which they could potentially be pro-active regarding SEA enforcement – admitted that they are uncomfortable with being thought of as the "sex police". This implies that they could be willing to turn a blind eye to potential violations of the SEA policy.

Thus, even where active patrolling occurs, situations that may be seen as suspicious with regards to SEA often end up going unreported and unpunished or, if reported, garnering only a minor punishment. A typical example – and one we witnessed personally – is when a mission staffer is caught with a local person in the car. Because the couple (in this case a male UN employee and female local, in a UN vehicle parked by the side of the road at ten o'clock on a Friday night) was not caught *en flagrante* and neither admitted any wrongdoing (indeed, the woman slipped out of the car and quickly vanished), the end result was that the employee would only be reported as having an unauthorized personnel in his vehicle. This minor offense, which is dealt

<sup>26</sup> Both the Haiti and Liberia missions kept lists of "out of bounds" establishments, which were primarily determined by the mission's Department of Safety and Security unit. According to the UN (2008: 7), 11 peacekeeping missions have an "out of bounds" policy that applies to venues where "sexual transactions are known to take place".

<sup>27</sup> On training, virtually all of our in-mission informants in both Haiti and Liberia knew of the existence of the SEA policy and could describe its basic prohibitions and the possible sanctions of repatriation or firing, although knowledge of specific details varied considerably. See also chapters 4 and 5, below.

with internally rather than referred outside the mission to OIOS investigators, usually results in the temporary loss of one's driving license; but because the punishment of minor offenses is left to the discretion of the person's management, it may result in no sanction at all. This underlines the point that the consequences for misconduct can be extremely variable, both in what gets reported (or doesn't) and how it is reported, and the way in which that information is acted upon. It also illustrates the fallacy of assuming that – absent clear guidance and imperatives from mission management on dealing with SEA violations in the course of mission activities – combating SEA will be a leading priority among those that can monitor and influence their colleagues' activities.

A key problem with relying on reporting for enforcement is of course that, in the absence of victims coming forward, it misses that which is deliberately hidden, including “discrete” exchanges with prostitutes, hidden relationships, and cases in which personnel negotiate deals with local women – whether “girlfriends” or prostitutes – to prevent them from reporting the situation.<sup>28</sup> Moreover, as was often pointed out by informants (including the UN official referred to in chapter 2 above), many of those earning a living from transactional sex have no desire to compromise their livelihood by reporting violations or participating in an investigation that, if successful, will only drive away their custom. (This argument assumes that the women are aware that recourse exists.) Furthermore, even women and girls who do not self-identify as prostitutes, but nevertheless benefit monetarily or materially from transactional sexual encounters or relationships, are not likely to be willing to report violations or cooperate with investigations so long as the relationship is ongoing. One must also consider that women in such situations may find their security threatened by a vengeful pimp or by the client/“boyfriend” in question, or may otherwise fear that reporting a violation will lead to some form of retribution.

Moreover, even if reporting does occur by a third party in cases where the local party does not come forward, it is virtually impossible to substantiate allegations and therefore to sanction wrongdoing. This is because, in the absence of eyewitness statements or physical proof, many SEA allegations boil down to the suspicions of the third party. Yet even when the local party comes forward, many SEA investigations resemble a case of “he said, she said”, making substantiation extremely difficult; and erratic or ineffective substantiation reiterates the sense that the zero-tolerance policy is hollow or arbitrary. Of course, some allegations are undoubtedly false and oppor-

<sup>28</sup> In Haiti, an informant pointed out that this practice of “cutting deals” mirrored local ways of resolving rape or sexual abuse cases without involving the authorities. Another informant noted that authorities themselves can order negotiations and deal-making between a rapist and his victim/ her family: a judge can force the two sides to negotiate an arrangement, which typically ends in the accused paying a sum of money to the victim's family. This practice is not supposed to continue under Haiti's 2006 rape law, although both the knowledge of that law and its implementation currently seem lacking.

tunistic. However, as one informant cautioned, lack of substantiation should not be considered synonymous with false, as for example in cases where the alleged victim is unwilling to cooperate with an investigation due to security, financial, or reputational reasons. Indeed, in a 2007 report detailing OIOS's investigation into 217 allegations of SEA in Ituri region (Bunia) in the DRC, it was noted that:

Despite what collectively was a clear pattern of exploitation, it became virtually impossible to substantiate specific instances of sexual exploitation and abuse by conclusive evidence. In many of these cases, the accused peacekeeper was no longer in Bunia. Many complainants became frightened at the prospect of being confronted with the subjects of investigation, or were pressured or intimidated by young prostitutes not to cooperate with OIOS. Some complainants lost interest in further cooperation when they learned that they would not receive financial compensation for their cooperation. In the end, only one case was fully substantiated and reported by OIOS to the Department of Peacekeeping Operations (UN 2007a: 2).<sup>29</sup>

The report went on to note that, "Without an in-person identification by a victim of the peacekeeper with whom she claimed to have had sexual relations, substantiation of the allegation was not possible (UN 2007a: 4)".

Where a woman does report an SEA violation, particularly involving a relationship, it tends to be reported only after there is a break in that relationship. This often occurs after the alleged offender has already left the mission, leaving the woman high and dry – and occasionally pregnant or infected with a sexually transmitted disease. As alluded to in the quote above, there is little that investigators can do in such cases, especially if the alleged perpetrator is from the military or civilian police.<sup>30</sup>

Relying on reporting as the primary means of enforcing SEA also requires that the perceived wrongness of the act outweigh the burden of reporting. As regards internal reporting within the UN system, this echoes the fallacy identified above: the assumption that, as a priority, reporting cases of SEA will trump other priorities – such as

<sup>29</sup> The report cited here follows an earlier OIOS report (A/59/661) that summarized the investigation of 72 allegations of SEA, of which six were eventually substantiated, against peacekeepers serving in the same region of eastern Congo.

<sup>30</sup> The distinction here is that once military and civilian police personnel rotate back to their home countries, they are out of UN service and no longer covered by UN policies – although it is conceivable that they could be blacklisted if the allegations were found to be substantiated. Regular UN staff that have rotated out of the country but are still employed by the UN elsewhere remain bound by UN regulations. Although we heard of many cases where allegations were received only after the alleged perpetrator left the country, we did not hear of any cases where personnel were called back to be investigated for those allegations. Conversely, it has occurred that investigations into SEA misconduct are halted if the accused voluntary quits or otherwise leaves the mission area.



loyalty to colleagues or a desire not to get involved in someone else's private life. In terms of the perceived wrongness of the act, moreover, it was already seen in chapter 2 above that many informants distinguish between what "really" counts and doesn't count as SEA. This attitude is both extremely problematic and seemingly common, and probably represents the single-most resistant factor to effective anti-SEA enforcement. Informants simply seemed unwilling to report on colleagues engaged in activities that the informants themselves did not consider especially problematic or harmful to the other person involved.

With regards to the burden of reporting, this varies according to whether the source is internal or external and, in the case of the latter, the outreach effort and reporting mechanisms put in place by the mission. Many of our internal UN informants – a few of whom claimed to have themselves reported suspicions of SEA – seemed reluctant to "rat out" colleagues. This feeling is presumably heightened by the cozy, somewhat cliquish atmosphere prevalent in many missions among the civilian and civilian police as well as military components – an atmosphere that may be amplified by the fact that peacekeeping missions tend not to be family missions,<sup>31</sup> which can have the effect of making one's colleagues a substitute family.

Moreover, not reporting seems to carry few consequences for UN staff. Although the Zeid report recommended that criteria related to SEA enforcement be included in the performance reviews of management, it did not extend this recommendation to non-managerial staff; and in both missions, we heard of no such cases of failure to report resulting in sanctions to either.<sup>32</sup> Indeed, some informants argued that especially people in management or command positions lack incentives to report, since incidents happening on their watch could lead to punishment for them, even if they were not directly involved. Further adding to the perceived burden of internal reporting is that, although the complainant's identity is supposed to be protected, the general sense among informants is that confidentiality cannot be ensured in such a close environment, especially when investigations are launched and witnesses interviewed (witnesses' identities are not necessarily kept confidential). This was essentially confirmed by other informants charged with SEA policy enforcement.

Finally, and related to the point about not wanting to "rat out" colleagues, informants commonly claimed that the sanctions for SEA were too severe for them to report only on the basis of a hunch or supposition, and that only "real" proof would compel them to report. This issue of needing proof is, however, intertwined with the distinction

<sup>31</sup> That is, family members are not relocated to the mission area along with the staff member.

<sup>32</sup> It is worth noting that most militaries have a long-standing tradition of holding commanding officers liable for the criminal acts or misconduct of their soldiers. This tradition seems to have been upheld in the November 2007 repatriation of three Sri Lankan army officers from Haiti on SEA-related allegations. The officers were repatriated (along with the company they commanded) for failures relating to control and command, although they were seemingly not directly involved in the alleged acts.

made between what “really” counts as SEA. Specifically, lack of proof seemed to play a significant role in informants not reporting “lesser” violations of SEA (e.g. transactional sex), but most informants also emphasized that they would report on the basis of suspicions of “serious” violations, such as assault, abuse, or sex with younger minors.

Relatedly, and significantly, it is worth noting the perception – shared by virtually all internal informants in both Haiti and Liberia – that being reported for SEA is to be presumed guilty. This perception persists despite vehement denials from those involved in investigations, and despite a rather low substantiation rate of reported allegations in previous years. There are varying reasons for this perception, mostly circling around arguments that “the powers that be” (in the mission or New York) are on a moralistic crusade against SEA and need to be seen as “doing something” in order to counter rumors or bad press when a violation is reported. The sense that accused personnel must prove their innocence is also likely exacerbated by the secrecy shrouding SEA investigations. The confidentiality and secrecy issues around investigations are not likely to change – although more systematic and constructive communication and information-sharing between OIOS and other concerned parties, including the mission leadership, CDU, and the local community, would be helpful. Regardless, to a large degree there is little the mission leadership or OIOS can do to change the perception of automatic guilt, apart from assuring personnel that all administrative and investigative guidelines are being followed.

Nevertheless, it remains the case that the *perceived* presumption of guilt seems to make it less likely that UN personnel will report on each other where they only have suspicions of misconduct. Moreover, any pre-existing unwillingness to report is likely to only be reinforced by the claim that the accused do not get a fair shake. Returning to the fallacy above, this too suggests that – notwithstanding the rights-based and protection-oriented arguments made against SEA in training sessions – informants’ loyalty to their friends or fellow colleagues may trump their obligations to the local resident concerned.

Thus, although UN staff members are compelled by the SGB to report even suspicions of SEA violations, the reality seems much less cut-and-dried. Instead we found that, when asked hypothetically about reporting, our UN informants balanced what the perceived potential effects might be on their careers, their friendships, and their work environment against the severity of the (hypothetical) violation, the strength of their suspicions or proof, and their own moral compass. Of course, this balancing act will not always fall down on the side of reporting, as evidenced by the consensus in both missions that the under-reporting of SEA is a problem. And while this under-reporting seems evidence of the acceptance of a “boys will be boys” attitude among some UN personnel – in other words, that sexually exploitative behavior is “natural” or understandable among men, with the accompanying implication that it is all a bit of juvenile fun; it doesn’t really do anyone any harm – it is worth noting that many of



our female informants exhibited no real differences from our male informants in their professed willingness to report, the decisionmaking process around reporting, or the informal distinction made between the severity of different types of SEA offenses. This seems to indicate that the “boys will be boys” attitude is internalized and accepted by more than just “the boys”. This is likely to be especially so in the parts of the mission that remain male-dominated, such as the military or civilian police components. However, Higate and Henry (2004: 490) relate the case of a female civilian UN worker in the DRC, who confided that “she preferred to work with a man who had a ‘sexual outlet’, as he was more likely to be ‘controlled’ in the office environment”.

It is also possible that women’s “acceptance” of their male colleagues’ behavior may not indicate that they condone that behavior, but rather that they feel pressured – in a highly gendered way – to be a “team player” or go along with the status quo. Where women are outnumbered, and possibly taken less seriously than their male colleagues, the pressure to conform to the majority can be intense. At the least, women may feel that they should desist from calling attention to their difference by not objecting to acts of sexual exploitation seen by other colleagues as relatively harmless. Importantly, this seems to go against the standard rhetoric relating to women’s involvement in peacekeeping: that having more women peacekeepers will necessarily improve enforcement and reduce incidence of SEA, presumably because women peacekeepers will be more likely to turn in violators, less likely to commit violations themselves, and because local women will feel more comfortable talking to and confiding in them about abuses. Again, the issue is whether one can assume that women peacekeepers’ loyalty to locals – or more particularly, loyalty to one’s gender – will trump their loyalty to colleagues. Similarly, assuming that local women are more likely to confide in women peacekeepers assumes that the peacekeepers’ foreignness is less important than their gender. These assumptions deserve more thorough investigation.

Finally, it is worth noting a striking disparity, namely that sexual harassment (committed by one or more colleagues against another) is considered a minor, category two offense, while SEA (committed by UN personnel against a local resident) is always considered a serious, category one offense. This can easily and understandably be taken by women in-mission to mean that the institution is less concerned about their welfare than about the possibility of scandal, which is more probably more likely in the peacekeeper-local dynamic than in the strictly internal, peacekeeper-peacekeeper scenario. This perceived lack of concern could make women less willing to rock the boat, especially where reporting an allegation could facilitate the very outcome – scandal – that the institution is concerned to avoid.

As regards external sources and the burden of reporting, we found dramatic differences in the possibilities for reporting between the Haiti and Liberia missions. In Haiti, where very little public outreach on SEA has been conducted (even including publicizing the free SEA telephone hotline number to report violations), the reporting

burden placed on the complainant is quite steep: she must first inform herself on the existence of the policy and then gain access (by herself or through a mediator) to UN staff capable of passing on the allegation. Conversely in Liberia, the reporting burden was lower, owing at least in part to a concerted public outreach effort spearheaded by former SRSG Alan Doss.<sup>33</sup> As seen in the next chapter, I argue that these differences are consistent with the different referents of protection in the two missions' approaches toward SEA, with UNMIL taking a more population-oriented maximalist approach, and MINUSTAH adopting an UN-oriented minimalist approach.

For the moment, however, what all of the above indicates is that there are severe problems on both sides of the enforcement chain: potentially strong disincentives against reporting violations for both victims and observers, combined with allegations that are difficult to substantiate in the absence of other evidence. Indeed, the question at the heart of this project, one that recurred again and again in the field, is whether it is ever possible to stamp out sexual exploitation in peacekeeping operations, especially where there is a perceived or actual benefit accruing to both parties. This question is not as pertinent to sexual abuse, which – probably because of the component of physical intrusion involved – was not subject to similar wavering among informants.

One informant involved in enforcing the policy argued that, if the UN “really” wanted the policy to be enforced, it would provide the resources and the latitude to do so, while implying that this would entail more coercive and intrusive interventions into personnel's private lives. Yet as it now stands, the enforcement of the zero-tolerance policy depends on many discrete decisions made at various levels and moments – including the decision not to report. Indeed, even several CDU staff voiced the view that, with regards to exploitative behavior such as prostitution, the goal is not to get to zero violations – which is perceived as infeasible – but rather to get as close to zero as possible. However, even this seems far-fetched for a policy being enforced primarily by happenstance: whether or not people choose to report; whether or not a person is discrete and able to hide their activities; whether or not the other party cooperates with the investigator; or whether or not a person is “unlucky” enough to be caught in the act. Cumulatively, the problems of enforcement threaten to undermine the zero-tolerance policy as a whole. Many of those charged with enforcing it (at both managerial and investigative levels) feel the policy is necessary but admitted frustration with the perceived impossibility of the task. At the same time, a sense of impunity still exists –

<sup>33</sup> Save the Children (2008: 12-14) has argued that underreporting by victims – especially (although not exclusively) children – occurs for several reasons: 1) fear of losing material assistance provided by the exploiter; 2) fear of stigmatization; 3) negative economic impact on the family (specifically related to a potential decrease in bridewealth and/or decreased marriage possibilities); 4) the threat of retribution or retaliation; and 5) “cultural” acceptance of, or resignation to, abuse. Save the Children also points out that many people either do not know how to report a violation, or feel powerless to do so, or feel that there is no point in doing so – points that coincide with what I refer to as the reporting burden.

perhaps not as strongly as before, but nevertheless tangible. People see that the policy is very difficult to enforce; they see the gap between the ideal, the rhetoric, and the reality; some of them exploit that gap; and relatively few seem to get caught.

Yet taking pro-active measures to enforce the zero-tolerance policy also poses certain problems. Consider, for example, the sight of a UN staffer buying drinks for, or talking to, or dancing with a local woman or man in a bar. Because there is nothing in the policy prohibiting socializing with the local population – and indeed, because the regulation pertaining to non-transactional sexual relationships with locals is at best ambiguous – there is little one could do to enforce the policy on the spot, even if one were so inclined. Similarly, reporting that person only on the basis of observed activities would likely have little impact aside from a note in their file. From an enforcement perspective, this is problematic, as it dilutes the extent to which SEA can be pre-empted. It is worth considering, however, that if (hypothetically) a colleague approached that UN staffer to remind him of the zero-tolerance policy, the colleague would be assuming two things: first, that the UN staffer and his companion were not in a genuine relationship falling within the guidelines of the SGB; and second, that the inevitable result of socializing in a public place with a local resident is the subsequent buying of sex (or exchange of favors, goods, etc for sex). In other words, attempting to pre-emptively enforce the zero-tolerance policy essentially requires the default assumption that the local partner is a prostitute and the UN staffer an exploiter. Unsurprisingly, we did not witness any such attempts at pre-emptive enforcement, nor was there an expressed willingness on the part of any informant to engage in it.

Pre-emptive enforcement on the basis of observed activity should not be considered impossible. Realistically, however, guidance on the issue of pre-emptive enforcement is sorely needed, both so that those charged with enforcement can act on a reasonable and predictable basis, and that staff themselves can understand the types of behavior that are and are not likely to be deemed acceptable in social settings with local residents. Such guidance would similarly be useful for staff members weighing whether or not to report certain observed activities after-the-fact.

A final aspect worth emphasizing is that the UN can only control, or attempt to control, its own personnel. Yet areas hosting peace operations are flush with relatively well-paid internationals representing other international organizations; NGOs and humanitarian organizations; the international financial institutions; possibly other military forces (e.g. NATO, national armies operating outside UN command, etc); business; and private security companies. In many cases, these groups have no applicable policy akin to zero-tolerance regarding SEA; some are not even bound by a general code of conduct. Moreover, as seen in the turbulent recent history of private security companies' involvement in Iraq and parts of Africa, impunity is the rule rather than the exception, even for gross violations of human rights (see e.g. Jennings 2006). The point is simply that – even if the UN was able to enforce the zero-tolerance policy to

the extent of dramatically reducing the incidence of SEA among its own personnel – they are to some degree a victim of their own visibility and size. Because in peace operations the UN is typically the largest, most influential individual actor, non-UN actors tend to get conflated with the UN presence. Once internationals step out of their organizationally branded SUVs and into the bars and clubs of the capital, it is extremely difficult, if not impossible, for locals (or other internationals) to distinguish between them on the basis of appearances or superficial contact.<sup>34</sup> To the degree that the generic foreigner is considered UN, then the idiotic behavior of any international can hurt the UN's credibility or contribute to a local perception of the mission as exploitative or unserious.<sup>35</sup> Realistically, this problem cannot be solved by the zero-tolerance policy. Rather, this points to the limitations of what even a well enforced zero-tolerance policy can hope to achieve in terms of protection – that is, protecting the local population from SEA and protecting the UN's image from disrepute. These two referents of protection will be the focus of the next chapter.

<sup>34</sup> Unless the individual/group are uniformed personnel. In general, the problem described here may be more of an issue in capitals or larger cities, where there is a large, concentrated and diverse group of internationals.

<sup>35</sup> In Haiti, there is a saying that “MINUSTAH est turista” (MINUSTAH are tourists). One Haitian informant described this to us as expressing the sentiment that MINUSTAH were only in the country to catch sun, sleep with “our” women, and drink rum – in other words, they were on holiday.

## 4. Protection as the organizing principle

The UN's policy against sexual exploitation and abuse, and its differential application and various consequences in the missions in Haiti and Liberia, can be fruitfully analyzed using the organizing principle of protection. In prohibiting sexually exploitative and abusive behavior by peacekeepers, the zero-tolerance policy is a manifestation of an impulse to protect. But what is the primary referent of that protection?

As written, of course, the primary referent of protection for the zero-tolerance policy is the local population. But protection of the UN image is also a point of great political and operational interest: as noted in the Zeid report (UN 2005a: 6), "Sexual exploitation and abuse damages the image and credibility of a peacekeeping operation and damages its impartiality in the eyes of the local population, which in turn may well impede the implementation of its mandate". A third referent of protection is UN personnel – essentially protecting them from themselves.

Protecting one does not mean forsaking the other. If the SEA policy is actually implemented and enforced, then theoretically all should benefit: local residents will not be subjected to SEA, the UN image will be safeguarded against sex scandals and disgrace, and UN staff will not put themselves into positions of potential harm by going to brothels, using prostitutes that are backed up by pimps, or increasing their risk of getting a sexually transmitted disease. Protection of the population and protection of the UN image are thus not mutually exclusive, and protection of UN personnel is consistent with both. Yet while it is not impossible to be primarily concerned with the protection of locals and worried about the UN's image (or vice versa), if you accept the possibility that protection of locals or the UN's image can sometimes be contradictory then it is unlikely that one can be equally concerned about both.

Indeed, our experiences in the two missions indicate that, on the mission level, one of the referents of protection will be primary. Various parts of the mission or agencies outside the mission may have other interpretations, but the overall tone and prioritization is set at the top levels and propagated by the messages and training provided by the mission CDU. This is important because the different referents of protection imply different implementation priorities and imperatives, different enforcement practices and, arguably, different ways of dealing with actual or potential violations.

In the following section, I will outline two ideal types of protection – protection of the UN image and protection of the local population – and contemplate the impact that these ideal types have on the interpretation, implementation, and enforcement

of the SEA policy.<sup>36</sup> I argue that taking the UN image as primary referent results in a minimalist approach on the part of the UN mission and agencies, while taking the local population as the primary referent for protection requires a maximalist approach.<sup>37</sup> Each ideal type is also considered in light of findings from the Haitian and Liberian missions, with the Haitian mission hewing to the minimalist approach and the Liberian mission according more closely to the maximalist approach. This is not to imply that the Haiti mission is unconcerned about the local population or that the UN's image does not factor into UNMIL's actions; instead, it provides shorthand to analyze and refer to differences in prioritization and implementation in the two missions. Accordingly, the findings presented below refer mainly to the specific missions (MINUSTAH and UNMIL, respectively), but can also be relevant to the range of UN peace operations.

## **The minimalist approach: protection of the UN image**

If the primary subject of protection is the UN image, then this would imply a strategy focusing less on lowering reporting barriers and conducting public outreach concerning the policy against sexual exploitation and abuse, and more on prevention – keeping personnel from partaking in activities that might provoke a scandal – and damage control once abuses are reported and/or publicized. Such a minimalist strategy would be almost entirely aimed at UN staff and personnel rather than local communities. Where public outreach and information sharing does occur with local governmental and nongovernmental partners and media, it is likely to be minimal and reactive – perhaps driven by a specific case and the subsequent need for the institution to demonstrate to the public that it is taking action.

Although a minimalist approach to SEA does not preclude the existence of good working relationships between the mission and local governmental and nongovernmental partners, nor does it suggest that the problems of sexual exploitation and abuse will be a priority for discussion and action on either side(s). Here the issue of mutuality is key, as the adoption of a minimalist strategy could be influenced by national partners' action (or inaction) on these issues, in addition to the mission's own prerogatives and

<sup>36</sup> I am grateful to a MINUSTAH informant for the framing the approach in Haiti as emphasizing “protection of the UN image”.

<sup>37</sup> The terms “minimalist” and “maximalist” are applied here by the author; they were not used by any informants in the missions to describe their perception of the anti-SEA policy or implementation. On the broader topic of minimalist and maximalist approaches towards democratisation in peace operations, see Ammitzbøll and Torjesen (2007).

priorities. In cases where national partners do not themselves consider sexual violence as a first-order issue, a risk of a UN-driven campaign is that the public begins to associate sexual exploitation and abuse primarily or only with the UN presence. Another possibility is that those within the host society that are invested in maintaining (or regressing) the status quo as relates to gender equality, will attempt to marginalize issues of sexual exploitation and abuse as “foreign” concerns improperly imposed on, or irrelevant to, their society. This does not, of course, imply that the mission’s strategy must be constrained by uncertain fears of a potential backlash. It nevertheless points to the likelihood that, in the absence of a local lead, an internally focused and relatively reticent anti-SEA strategy will be the more politically convenient and risk-averse choice for missions.

Within the minimalist approach, prevention includes training on SEA and can further encompass such measures as curfews; out-of-bounds areas; other restrictions on movement (such as “no walking out” rules that keep military personnel in their compound while off-duty); requirements that uniformed personnel always wear their uniforms in public, regardless of duty status; night patrols that can play a role in stopping actual or potential SEA violations; provision of supervised entertainment and recreation facilities for UN personnel; and non-fraternization policies (essentially prohibiting any non-job-related contact between international staff and local residents, and previously instituted in the DRC mission). Prevention can also encompass methods such as emphasizing the risks of HIV and other sexually transmitted infections in orientation training, possibly using scare tactics focusing on the country’s (presumed) high HIV prevalence rate.<sup>38</sup> It is notable that the kind of prevention facilitated by the measures above is entirely deterrence- and sanctions-based, in a manner more coercive than persuasive. It is generally oriented towards closing off or clearly delimiting

<sup>38</sup> In both Haiti and Liberia, informants mentioned that such tactics were indeed part of the HIV/AIDS training they received as part of their orientation: the (presumed) high prevalence rate of the local society was emphasized, despite the fact that such figures can be highly unreliable in post-conflict (data-scarce) societies. One informant in UNMIL was openly disgusted by this tactic, claiming that the training he received was distorted and inaccurate, making him doubt the validity of the rest of the information presented. The emphasis on the estimated prevalence rate in the local population is, of course, important in bolstering the general argument for safe sex (by making it primarily a matter of self-interest); but insofar as it sends the message that it is uncommonly unsafe to have sex with locals, it also reinforces the proscriptions of the zero-tolerance policy. On the principle of better safe than sorry, one might expect attention to also be paid to the HIV prevalence rates in neighbouring countries where many personnel go for their rest and recreation periods (in Haiti’s case, the Dominican Republic; in Liberia’s case, Ghana). None of our informants mentioned receiving any such information, although this does not mean it was not presented; we did not attend any HIV/AIDS training sessions. Insofar as the case against SEA is linked to or made on the back of HIV/AIDS prevalence, therefore, this seems to indicate that the UN is only worried about its personnel’s participation in transactional sex or SEA when in-country, not when in the neighbouring one.



interaction between mission personnel and the local population, except where such interaction is required by one's job.

Implementation of a minimalist strategy would likely limit the incidence of false allegations of SEA against UN personnel – an issue that was frequently mentioned by informants in both missions. False allegations are less likely with a minimalist approach for the simple reason that an absence of public outreach and education about the zero-tolerance policy would mean that the general public would be less informed about the policy's existence, meaning, and the available reporting channels, and thereby less likely to make a false – or any – report. Indeed, this could be a contributing factor in a mission's decision to adopt a minimalist strategy. All the same, assuming that a rise in false allegations would be the inevitable result of informing the public of the zero-tolerance policy seems to reflect a particular conception of local citizens as opportunistic, if not outright deceitful.

The obvious flip side of a policy that curtails false allegations is that it places a heavier burden on those outside the UN system who wish to report violations. This is unsurprising: where information (on rights, reporting, and process) is lacking and reporting systems are opaque or difficult for outsiders to access, there will necessarily be a high barrier to reporting. Instead, where the UN image is referent, the operating assumption seems to be that, if a case is "real", the victim will figure out on her own how to report it – or if it is especially bad or scandalous (e.g. rape, sex with children), it will eventually be brought to the mission's attention through one channel or another. In fact, this seemed to be what happened in the aforementioned 2007 case in Haiti involving the Sri Lankan contingent: the case was originally uncovered owing to the initiative and investigative efforts of a local NGO, which then referred the case to UN agency contacts, which in turn informed the mission. As will be seen below, however, this reliance on outside channels and indirect reporting is a clear departure from the approach governing reporting when the population is the primary referent.

Having the UN's image as the referent of protection implies that the arguments used in the internal prevention strategy will be more sanctions-based than moralistic, and concerned less with attitudinal than behavioral control. This is not to say that rights-based argumentation will be absent, but rather that – given the priority accorded to the UN's image as referent of protection – it makes sense to place SEA violations within the framework of the UN's overall posture and standing, with normative rights-based arguments as complementary instead of stand-alone arguments. Relying on the threat of sanctions to curtail sexually exploitative or abusive behavior, in turn, seems to require robust enforcement to make the threat viable. Essentially, this would mean the allocation by DPKO and OIOS of more human, financial, and technical resources for patrolling and investigations, possibly with an emphasis on trying to catch people in the act – such as by conducting sting operations at out-of-bounds bars or suspected prostitution venues, or otherwise actively seeking out and halting suspicious SEA-type



activities when on patrol (or even off-duty). It could also entail more strict enforcement of the reporting requirement. This would require, for example, that OIOS investigations into allegations also encompassed the potential complicity of the colleagues and friends of the accused and the extent to which they condoned his activity; and that such complicity be punished by suspensions or other administrative reprimands. However, such an approach may risk promoting widespread mutual suspicion or paranoia and defensiveness within the mission, or alternatively may lead to a closing of the ranks that further complicates investigations.

Yet there is also a converse possibility: specifically, that a primary focus on the UN image does not lead to more systematic attempts at prevention and enforcement, but rather to ad hoc and event-driven reactions: for instance, making high-profile examples of alleged or proven offenders in order to be seen as taking matters seriously. There is also the chance that prioritizing the institution's image encourages the covering up of potential scandals, whether actively or passively (e.g. by letting investigations be choked by lack of cooperation or thwarted by hasty redeployments of civilian or military staff).<sup>39</sup> Meanwhile, "minor" offenses that carry little potential for scandal – like that detailed in the previous chapter, when a UN staff member was caught in a parked car with a local woman, but not caught *en flagrante* – are not vigorously pursued as potential SEA violations, but rather considered outside the SEA/category one framework and handled with a warning or minor punishment.

### **Haiti: minimalism in practice**

MINUSTAH, the most recent UN mission in Haiti, was deployed in the months following ex-president Jean-Bertrand Aristide's forced exile in 2004: a peacekeeping mission entering the site of a never-declared war, and with little peace to keep in the armed violence-ridden slums of Port-au-Prince and other urban centers. Beginning in early 2007, the Brazilian-dominated military component of MINUSTAH began an aggressive "pacification" campaign – described by one military informant as "urban warfare" – against groups of gangs in the most notorious of Port-au-Prince's slums, Cité Soleil. By the end of 2007, the campaign seemed to have improved security and movement in Cité Soleil and surrounding areas, though the durability of this improvement is questionable. Indeed, in April 2008, in the wake of riots to protest rising living costs and lack of food (in which a Nigerian peacekeeper was killed and the prime minister eventually toppled), SRSR Hedi Annabi described the situation in Haiti as "extremely fragile, highly reversible, and made even more fragile by the current socio-economic

<sup>39</sup> We heard unsubstantiated accounts of such hasty redeployments concerning both civilian employees and military members in both missions.

environment”,<sup>40</sup> and noted that: “There are also recurrent indications that gangs may be trying to reorganize themselves”.<sup>41</sup> Politically, the elected government of René Préval is both weak and extremely constrained in its ability to act, as a byproduct of the severe tensions and dysfunction prevailing between the different political actors and branches, as well as between politicians and their constituencies.<sup>42</sup>

Given the ongoing insecurity and the turbulent political situation, it is not especially surprising that the anti-SEA strategy implemented by MINUSTAH is minimalist in orientation. As of late 2007, the Haitian government had no national anti-SEA strategy, despite staggeringly high estimates of rates of sexual violence;<sup>43</sup> and while there are working relationships between MINUSTAH, the gender ministry, and some local NGOs and women’s groups, progress on gender and sexual violence issues has been slow. A further complicating factor is the reluctance or outright refusal by some local and established women’s NGOs to work with the mission, on the grounds (according to one informant) that they are an illegitimate occupying force. This clearly limits the extent to which cooperation and information sharing on SEA and other issues is possible, and undercuts the UN’s typical reliance on local NGOs as a conduit of information and knowledge to and from local women. The gender office also seems under-resourced; and in a striking (if mostly symbolic) contrast to the Liberian mission, where the gender office was located in the same suite of offices as the SRSG, the senior gender advisor’s office is not even located in the main mission headquarters building. Although it is not primarily the gender office but the CDU’s responsibility to train staff and lead anti-SEA activity, the inability of the gender office to work with some key local players – combined with the lack of a national lead to drive sexual violence issues within Haiti and the country’s overall insecurity – probably only reinforces the narrowness and internal focus of the anti-SEA strategy. The CDU nevertheless claims to take an integrated approach to SEA training, although there seemed to be some tension between various sections as to the extent to which their viewpoints were accounted for in the training curriculum. Regardless, all mission informants were aware

<sup>40</sup> Annabi quoted in BBC (2008).

<sup>41</sup> See: <http://www.un.org/apps/news/story.asp?NewsID=26247&Cr=haiti&Cr1=>

<sup>42</sup> Emblematic of the volatility of Haitian politics is the April 2008 shooting incident in the Haitian parliament, when a lawmaker’s pistol discharged and injured a legislative clerk. Although the legislator claimed the shooting was accidental, other witnesses claimed the shooting was intentional and occurred after the legislator was accused of corruption. See Associated Press (2008). In the wake of the April 2008 riots, the prime minister was sacked, leading to an intense power struggle among the various parties and blocs in parliament. A candidate for prime minister was finally agreed at the end of July 2008.

<sup>43</sup> A UN report referred to in the *Guardian Weekly* contends that almost half of the women and girls in ‘conflict-zone’ slums in Haiti have been raped or experienced other forms of sexual violence (Renton 2008).

of the zero-tolerance policy and most could recite the basic prohibitions and punishments, indicating that the basic message of the zero-tolerance policy is being effectively communicated. Indeed, one CDU informant claimed that it is clear that personnel “get it” with respect to the zero-tolerance policy, as evidenced by the fact that they ask questions during training sessions that attempt to ascertain the loopholes in the rule.

The internal orientation of MINUSTAH’s anti-SEA strategy is evident in the fact that, as of late 2007, there is almost no public outreach or other mechanisms in place to enable reporting of violations from outside the UN system.<sup>44</sup> There has not been an observable attempt to systematically or pro-actively communicate to local residents that sexual exploitation and abuse by peacekeepers is unacceptable and punishable; one can therefore presume that the level of knowledge on this issue within the wider community is low. Regarding possibilities for external reporting, the only mechanism mentioned by mission and other UN informants is the SEA telephone hotline. However, the number of the hotline has been scarcely publicized: no local informants knew the number (or even knew of the service), and many UN informants were similarly uninformed, despite the information being included in the training and accessible from the mission intranet. Insofar as the hotline is used, it is primarily used by UN staff to make anonymous reports; we were told that there has been very little, if any, external use of the hotline. Besides the hotline, the only means of reporting for local residents is either indirect (via a local NGO or a personal contact in the UN system) or implies a heavy burden on the reporter – essentially requiring them to present themselves at a UN facility and convince the security guards to let them inside, without an appointment or contact person, in order to make their complaint. Security regulations, and the power differential between security guards and entry-seekers, ensure that this is no easy task. There is also the possibility that the closest (or only) UN facility accessible to the complainant, is the one to which the accused is attached. This would likely be a strong deterrent to reporting, alongside the more general perception (particularly in areas outside Port-au-Prince) that the UN presence is almost entirely military, making the prospect of reporting potentially more intimidating.

The internal focus of the MINUSTAH strategy was expected to be maintained in the design and implementation of a 2007-8 CDU-led campaign against transactional sex/ prostitution. In a semi-public mission-sponsored forum, two arguments were put forth to justify the strategy’s internal emphasis. (These arguments were initially presented by a high-ranking official, and later questioned and critiqued by some of the participants present.) The first argument was pragmatic: because the UN could only hope to control the behavior of its own personnel – rather than influence the sexual

<sup>44</sup> There was a small-scale, discrete outreach program in the town of Jeremie to try to inform people about the SEA issue and options for reporting. However, there were no indications that this project would be continued in Jeremie or repeated elsewhere.

norms or behavior within Haitian society – it makes sense to limit anti-SEA efforts to within the UN family. The premise here is that the UN's capacity for effecting (sexual) behavioral change is limited to UN personnel, the implication of which is that attempts at change are better directed inward than outward. This seems a sensible premise. It is nevertheless worth noting that the implication and argument built up from it is flawed. The zero-tolerance policy was never intended to change the sexual activities of the local population; insofar as the policy and subsequent reforms relate to the local population, it is about preventing their exploitation or abuse or (failing prevention) giving victims some recourse after the fact. The latter in turn depends on citizens' awareness that means of recourse exist, which is not a given in areas where public outreach on the issue has been lacking. In other words, the zero-tolerance policy places the burden of behavioral change entirely on UN personnel rather than the host society, thus making problematic the claim that an inability to effect change within the host society requires a minimalist strategy.

The second argument made in defense of the minimalist strategy centered on the issue of false allegations, and was specifically based on the unquestioned assumption that shifting to a more maximalist approach and raising public awareness on SEA would necessarily lead to a groundswell of baseless accusations. Interestingly, when the topic of false allegations was raised, UN informants often invoked the case of eastern Congo, usually referring to a deluge of false allegations and the destructive impact that this had on the mission (this information being by and large secondhand; other missions, including the Liberian one, never were mentioned). Among our UN informants in Haiti, the idea that public outreach on SEA would not lead to a wave of false allegations was almost uniformly dismissed. However, a few informants also noted that outreach leading to an increase in false allegations would not be only negative because, assuming that the overall increase in allegations was not entirely comprised of false charges, it would facilitate more true allegations being brought to light and substantiated. Nevertheless, the prevailing argument seemed to be that such an increase in false allegations would both waste time and resources in investigating claims, while giving Haitians the impression that the problem was bigger than it “really” was – thus (in a sense) preemptively tarnishing the UN's image.

As it was, the issue of false allegations by Haitians did not seem to loom especially large over our MINUSTAH informants, except as a hypothetical. Interestingly, however, there was a noticeable sense of mutual suspicion operating internally, if not necessarily within then between different types of personnel, e.g. non-contingent military and UNPOL. Some informants, primarily among those based in Port-au-Prince, expressed wariness regarding the motives of other UN personnel, seemingly worried that “innocent” behavior such as dancing with a Haitian woman in a club would be misinterpreted and reported. Others claimed that they kept their distance from all Haitians if they could help it, asserting that it was “better safe than sorry”; their concern stemmed

less from false allegations from Haitians than from being reported on internally. One (European) informant even expressed doubt that he would feel comfortable going to dinner with either of us alone if we were black, since others in the restaurant could get suspicious. This statement was interesting in showing a profound distrust of his colleagues while simultaneously disallowing the possibility that not all dark-skinned people are Haitian (and vice versa), and ignoring the overarching fact that there is nothing in the policy prohibiting internationals and locals from dining together. Informants spoke of a sense that people were being “railroaded” by the policy, and that it was a “crusade” or “witch hunt” being driven from New York. Indeed, some informants linked people’s (presumed) willingness to report on colleagues with New York’s prioritization of the issue, arguing that reporting was a way to curry favor and boost one’s career, even if doing so made one unpopular among one’s current colleagues.

A racial element was also troublingly evident in the dispersions cast about how the policy was enforced, as well as the perceived activities and behavior of personnel of different nationalities. For example, some white personnel felt aggrieved that whites were being unfairly singled out for suspicion, while (they claimed) their black colleagues were less likely to be questioned or confronted, presumably because they could “blend in” with Haitians.<sup>45</sup> This complaint often came in tandem with an inference to the suspected nocturnal activities of black colleagues, and how they “took advantage” of this alleged preferential race-based enforcement. Culturally or racially-based stereotypes concerning sexual proclivities or attitudes towards gender were also rehashed by a number of informants: for example, that European, North American or Latin American men are more likely to have one girlfriend (or have strictly transactional encounters), whereas African men keep several “concubines” with whom they have ongoing and overlapping relationships.<sup>46</sup> There were also insinuations that one or another group treats “their women” better than a different group, with strongly racist and highly gendered overtones. The statement noted above, regarding the informant’s unwillingness to dine with us (singly) if we were black, also illustrates the unintended racial dimension of the SEA policy in that particular context. To some degree, the informant’s statement supports the contention that white-black male-female pairings, even if “innocent”, will be subject to more scrutiny. Yet it also illustrates that the impact of this scrutiny is not confined to the white person: the black person, by being assumed to be Haitian, also comes under suspicion, likely in a form that assumes their complicity in a transactional sex situation. It is a double assumption: black people are

<sup>45</sup> This assertion seemed dependent on a purely visual perspective, as not all of the black personnel in the mission were from Francophone countries, and could thereby be easily identified as foreigners by anyone within earshot.

<sup>46</sup> The word “concubine” was used by one informant in exactly this context.

assumed to be Haitian; and Haitians are assumed to be in the act of selling themselves.<sup>47</sup> Tangentially, this dynamic was not as present in the Liberian mission, which has a much stronger composition of African military and civilian personnel.

It is important not to overstate the sense of mutual suspicion reported here. The kinds of sentiments reported above are not generalizable to all our UN informants, and were typically floated in the specific context of a discussion on the zero-tolerance policy, rather than given as a general description of mission life. Nevertheless, insofar as the zero-tolerance policy engenders suspicion among UN personnel in Haiti, this seems to be largely directed inward. As will be seen below, the opposite tendency applied in Liberia, where suspicions fomented by the zero-tolerance policy were more inclined to be focused outwards, towards the very local population that was the primary referent of protection.

Interestingly, however, there was also a contradiction between the expressed sense of wariness about being (wrongly) reported on by one's colleagues, and informants' own sense of the prevalence of SEA. Many informants seemed to believe that SEA was occurring quite frequently, either in strictly transactional encounters with prostitutes or in "kept women" relationships with one or more "girlfriends" – some hidden, some less so. Informants uniformly distanced themselves and their immediate colleagues or friends from involvement in such activities, but often passed on rumors and second-hand information about groups of personnel (either specific categories of personnel or specific country contingents or delegations). Individual informants also related rumors of past SEA cases, one of which (repeated on multiple occasions) was rather sensationalistic but for which we could not receive official substantiation. Nevertheless, the point is that informants did not seem to see that, if internal reporting was as zealous as the more suspicious informants indicated, then the claimed prevalence of SEA should be correspondingly lower: such activities would not occur with such impunity. At the same time, it is important to note that both the sense of mutual suspicion or mistrust being expressed by informants, as well as their impressions of the frequency of SEA, seemed sincerely felt.

Because our fieldwork was completed shortly before the Sri Lankan soldiers' repatriation in November 2007, it is difficult to speculate how the repatriation of such a large group of peacekeepers affected the internal mission dynamics around the SEA issue. As previously noted, the investigation of the Sri Lankan soldiers was sparked by the findings of a local NGO, which were passed on to a UN agency and from there to the mission; it was not a matter of internal reporting. Nevertheless, some of our

<sup>47</sup> Women that are (or look) Dominican, or Hispanic in general, could also come under similar suspicion, owing to the presence of Dominican women in the prostitution market in Port-au-Prince (primarily catering to the higher end of the market, such as wealthy Haitians or internationals; conversely, the street prostitution market in Port-au-Prince is predominantly Haitian). According to a knowledgeable informant, many of these Dominican women are likely to be victims of trafficking.



military sources in the mission subsequently reported a feeling, which they claimed was shared by other colleagues, that the decision to repatriate so many soldiers was an over-reaction; they claimed (on the basis of speculation) that the punishment was collective rather than individual, implying that many of the soldiers may have been unfairly swept up by the pressure from New York to react strongly. The facts of this case have not been widely accessible, enabling such claims to be easy to make and hard to refute. It is nonetheless worth noting that this reaction clearly interrelates with the witch hunt narrative that some informants invoked during our fieldwork,<sup>48</sup> while also pointing to an aggrieved sense among military sources – also evident during fieldwork – that the military gets all the blame for a problem that civilians and civilian police are also implicated in.<sup>49</sup> On the other hand, the relatively quick and decisive way in which the situation was handled could have shaken the sense of impunity noted above, while giving succor to those that felt the UN was not taking the problem of SEA seriously enough.

## **The maximalist approach: protection of the local population**

Taking the local population as the primary referent of protection has multiple practical implications, going beyond those outlined in the minimalist section above. First, it entails a concerted and comprehensive public relations and outreach strategy to inform local residents and authorities of the existence of the SEA policy and the recourse available. On a basic level, this involves informing people that it is not permissible for UN personnel to violate their personal autonomy by sexually exploiting or abusing them: in other words, that whatever impunity prevailed during the conflict period should not extend to the peace operation or to UN personnel simply because they are (relatively) rich or powerful or armed. In Haiti and Liberia – both countries in which laws criminalizing rape are recent – this message should not be taken as a given. A further element of the message is that the criminal immunity that UN personnel typically enjoy does not mean that allegations of misconduct cannot be reported or will not be acted upon. This is an important message, as even very knowledgeable local informants tended to assume that all UN personnel enjoyed blanket immunity while in the mission. In this regard, public outreach can have important effects internal to

<sup>48</sup> See also chapter 3 above.

<sup>49</sup> Indeed, informants from a range of different positions within the UN system implicated UNPOL most frequently when asked their perception of the extent of SEA in Haiti.

the mission, because the more the public is aware of their rights and recourse, the more difficult it is for impunity to be maintained for offenses by mission personnel.

In order to give practical meaning to the zero-tolerance message, the public outreach strategy must focus on disseminating basic information on what constitutes a violation of the SEA policy; how these can be reported; and what to expect of the process after reporting. Local political and law enforcement authorities, local NGOs, public health officials, and media representatives should be included in the formulation and/or distribution of the strategy and materials, and could also go through the same training on SEA that the CDU conducts as part of the mission initiation process.

A comprehensive public outreach strategy is not a discrete event. To be effective, it depends on the implementation of complementary activities: lowering barriers to reporting; establishing good formal or informal working relationships with the women's ministry (where existing) and women's NGOs, as well as police authorities, public health officials, and media outlets, so that strategies can be agreed and suspicious cases reported and handled; supporting existing or establishing new crisis centers and shelters for victims of domestic and sexual violence; and clearly communicating the outcomes of investigations to both the complainant and the local community where the violations occurred, as well as keeping complainants as informed as possible on the status of ongoing investigations (to avoid perceptions of whitewashing). In terms of lowering the barriers to reporting, this should go beyond publicizing the number of the much lauded but seemingly little used SEA hotline. However, it does not need to be much more advanced than providing a reporting box or free telephone link – preferably to a live staffer/ SEA focal point at all times, but minimally to a live staffer during office hours and the SEA hotline after-hours – just inside all UN outposts/ guard houses, so that complainants can report violations without having to actually get past the gauntlet of security guards. With regards to services (crisis centers and shelters and other assistance organizations), it is worth noting the potentially harmful impact of assuring people of their rights and (supposed) protections without the basic ability to enforce them.

The maximalist approach would also require strong enforcement in order to fulfill its protection purpose, with an emphasis on prevention, the obligation of UN personnel to report violations, and support for victims. Similar to the minimalist approach, it would entail greater resources being devoted to patrolling, investigations, and victim protection. Speculatively, the difference between the ideal-type maximalist and minimalist approaches regarding prevention is that the former would depend more on persuasion and effective enforcement than on tactics relying on physical separation and non-fraternization between UN personnel and local residents. This is because having the local population as referent does not seem entirely reconcilable with policies aimed at cordoning them off – unless the desultory assumption is that, in matters



concerning sex, the only way to protect the local population is to impose separation between them and UN personnel.

Going further, the maximalist approach to implementing zero-tolerance could include elements of the UN working together with local authorities to develop ways of dealing constructively with the local sex industry, recognizing that the peacekeeping economy is a major contributing factor to the typical post-peace agreement expansion of the sex industry in these environments. This would go beyond the current, CDU-led and internally-oriented campaign to end the use of prostitutes by UN personnel, instead attempting to deal with the industry irrespective of the employment status of clients. Such an initiative may be too controversial and too low on the priority list for a mission to attempt, although certain agencies with a more permanent presence in the area – UNIFEM and possibly also UNICEF – could potentially engage quite usefully. Critically, however, UN missions and agencies should not encourage or participate in strategies predicated on scapegoating or punishing the prostitute. Insofar as criminalization or punishment is a component of strategies to regulate the sex industry, the party punished should be the pimp, trafficker, or client.<sup>50</sup> A preferable alternative could be working with the national women's ministry, NGOs, and public health officials to establish or support free clinics catering to the sexual health, security, and other needs of prostitutes, and/or work to ensure that existing sexual health, domestic violence, and rape crisis centers do not discriminate against prostitutes. Another alternative is to provide livelihood alternatives such as grants, access to micro-credit, or vocational training to prostitutes hurt by loss of custom due to the zero-tolerance policy. However, this, too, could be politically problematic – leading people to wonder why prostitutes, typically a stigmatized group, “deserve” such rewards – and difficult to enforce, insofar as access to assistance is predicated on the recipients stopping selling sex.

Protection of the local population also implies that the internal dimension of the anti-SEA campaign will reflect and reinforce essentially moralistic, rights-based arguments: a “do no harm”-type campaign, where personnel are supposed to abstain from sexual activity with local partners on the grounds that such activity likely exploits and victimizes them, and thus brings harm. This is not to say that sanctions-based arguments will not also be used to discourage sexually exploitative or abusive activity, but rather to suggest that – in a mirror image of the ideal-type ‘UN image as referent’ scenario – such arguments are seen as supporting the main rights-based argument instead of standing alone. In such a campaign, the reporting of violations is framed as an ethical obligation – a moral imperative reinforced (but not created) by the compulsion to report laid out in the SGB. In practical terms, this policy approach and rhetoric may be perceived intra-institutionally as shifting the burden of proof from the accuser to the accused.

<sup>50</sup> For an argument against criminalizing the buying of sex (much less the selling of it), see O’Connell Davidson (2003).

### **Liberia: maximalism in practice**

Under SRSG Alan Doss,<sup>51</sup> the prevention of sexual exploitation and abuse became a leading priority for the UN mission in Liberia. To some degree this manifested itself in rhetoric: nearly all of Doss's public speeches included a section denouncing SEA and mentioning the UN's efforts against it, while attention has also continually been given to the issue in internal mission communications and materials (newsletters, etc). The prioritization of the SEA issue has also manifested in issues of process and institutional design. For example, the mission has attempted to increase its transparency with the local media, including by being open about the number of SEA-related repatriations during Doss's tenure. Institutionally speaking, under Doss the mission's gender office was bolstered by being physically located in the same group of suites as the SRSG's office, thus combating – in both a symbolic and tangible way – the perception of the gender office as an add-on to the “real” work of the mission. As of late 2007, the training provided by the gender office to all incoming personnel is explicitly rights-based; and while the gender office no longer has responsibility for conducting SEA training (which is the CDU's domain), the two offices have apparently collaborated on an ad hoc basis in Liberia in order to integrate rights-based arguments into SEA training. Complementing the internal anti-SEA strategy is an external strategy focusing on outreach and training to local NGOs, as well as informing the general public about the SEA policy, the ways of reporting, and the process after reporting. UNMIL also participates in the Gender Based Violence Task Force, led by the Ministry of Gender and Development, which is conducting its own national anti-SEA campaign.

Indeed, Liberia is an interesting case because UNMIL's anti-SEA campaign is somewhat trumped by the national campaign that was implemented (through December 2007) by President Ellen Johnson Sirleaf's government and partner organizations. The national campaign's catchphrase is “No sex for help, no help for sex”, with the tagline: “Stop sexual exploitation and abuse”. Campaign material is distributed in the form of, among other things, posters, t-shirts, decals and bumper stickers, orange rubber bracelets, roadside billboards, and ads in newspapers; and SEA is talked about on the UN radio station. The promotional material includes the catchphrase and tagline, and (space permitting) tends to take the form of cartoons depicting various scenarios: a woman refusing a ride from a man when he puts his hand on her backside; a girl brushing off the embrace of her teacher; a female job-seeker rejecting the advances of the “Bossman”; a comic strip in which a girl refuses her mother's attempts to pimp her to an older, potential patron; and a woman waving off sacks of food offered to her by the man in charge of the aid warehouse. One cartoon also depicts a woman refusing cash being offered in exchange for (presumably) sex. All of the cartoons depict male

<sup>51</sup> Doss is now the SRSG of the UN mission in the Democratic Republic of Congo; his successor in the UNMIL SRSG position is Ellen Margrethe Løj.

aggressors – typically smiling and making expansive and harassing gestures – and offended-looking female “refusers”. Reflecting that this is a nationally driven campaign, all of the characters have African features: in the collection of material we saw, there was no attempt to depict a non-African, nor were any of the characters dressed in uniforms (e.g. depicting the generic peacekeeper as perpetrator). However, some of the scenarios, like the warehouse cartoon, get across the message that “no sex for help” extends to aid situations; and the message itself is presented as universal.

The “no sex for help, no help for sex” campaign was not uncontroversial among our Liberian informants.<sup>52</sup> In particular, some local informants noted that the campaign’s content was elitist and judgmental, while the campaign’s distribution strategy was weighted towards literate, urban (Monrovia-based) English-speakers. In terms of content, informants claimed it did not take into account the real lives and challenges that many women and girls face: if they say no to the “Bossman” and lose the job, how will they feed their kids; or if they say no to the teacher, how will they ever get their qualifications? Such images also implicitly place on women and girls the responsibility for the structural and social conditions that facilitate and, to a degree, normalize the exchange of sex for help or favors.

At the same time, however, anecdotal evidence seems to indicate that the combined anti-SEA campaigns are having an impact in raising public awareness about the issues of sexual exploitation and abuse, at least in Monrovia.<sup>53</sup> External reporting is encouraged via the SEA hotline – despite the number not being printed on much of the promotional material, presumably reflecting the national lead – and through the complaint boxes posted at the guard stations of UN installations, as well as indirectly via the involvement of local civil society.

The heightened awareness about SEA in Liberia in turn leads to the rather heated subject of false SEA allegations by local residents against UN personnel. As seen above

<sup>52</sup> In the realm of unintended consequences, one informant related that – in response to a march organized to promote the “no sex for help, no help for sex” campaign – some young men observing the scene started calling out for free sex: in other words, if they can’t get sex for giving help, then they’ll dispense with the giving of help and just take the sex instead.

<sup>53</sup> One informant working on health issues claimed on the basis of anecdotal evidence that the number of reported rapes in Monrovia has gone up dramatically in the past two to three years. This could be attributed to a government-led campaign highlighting the importance of reporting and receiving treatment in cases of sexual violence – a campaign that to some degree overlaps with and reinforces the anti-SEA campaign. It could also, or additionally, be the case that the rising number of reported rapes indicates a rise in the absolute level of rapes, and is not simply attributable to greater rates of reporting; and here it is worth noting that there are indications from other post-conflict areas that sexual violence against women persists at the same level, if not increases, after the war ends (see e.g. Pankhurst, 2008; Rehn and Sirleaf, 2002). Assuming that the increase in reported rapes is correct, attempting to determine how much of the increase in reported rapes is due to better reporting and how much to increased incidence would be incredibly complex and largely speculative, and goes far beyond the scope of this policy report.

in the Haiti case, an argument commonly used against comprehensive anti-SEA public outreach campaigns is that they will result in a flood of false allegations against innocent UN personnel – and subsequently in the waste of human and financial resources spent investigating these claims, as well as a potential loss of reputation for the accused and among the UN mission as a whole. Indeed, among many of our UN informants in Liberia, the prevalence of false allegations was taken as a given and influenced their thinking around the SEA policy. Contrary to the situation in Haiti – where there was virtually no public outreach campaign and, probably relatedly, personnel were suspicious that other UN personnel would (falsely) report them – in Liberia the suspicions were directed outward: among those expressing concern about false allegations, it was almost always Liberians rather than UN colleagues that they feared.

To some degree this emphasis on false allegations is institutionally encouraged: the training courses conducted by the UNMIL CDU give examples of past situations involving false allegations, presumably as means of warning personnel against putting themselves into situations that can be misconstrued. One such scenario mentioned (in very similar versions) by several informants involved a UN staffer who, while driving in the evening in Monrovia, stopped his car to assist two women ostensibly in distress. Upon his stopping the vehicle, the story goes, the women leapt into his vehicle and extorted money from him, using the threat of falsely reporting an SEA violation to convince him to pay them. (Incidentally, it is not always women making SEA allegations: several informants spoke of stories they'd heard of in which a man makes a report on behalf of a woman, usually represented as his relation.) We found also that some military contingent personnel were warned on the issue of false allegations in the pre-deployment training they received from their home militaries. Some soldiers said they were told to tuck their ID badges under their shirts when out patrolling in order to prevent the badges from either being visible – so that potential false accusers could not note down their names and report them<sup>54</sup> – or torn off (so that potential accusers could not use the stolen badge as “proof” when reporting a false allegation).

Regardless of the institutional role in highlighting this topic, it is worth noting that the false allegations issue seems to both reflect and reinforce some informants' perceptions of the host culture. In Liberia, a commonly expressed view of the host population is that they cannot be entirely trusted and must be treated with some skepticism, if not outright suspicion. This lack of trustworthiness may be attributed to opportunism, desperation, or something more malign. In such an atmosphere, it is unsurprising that the fear of false allegations is widespread. However, this state of affairs is not specific to Liberia; as noted above, it was also present in Haiti, where the incidence of false allegations seems low but where the fear of a wave of future false allegations was

<sup>54</sup> This line of reasoning is odd in light of the fact that soldiers typically have their last names sewn onto their uniform tops.

invoked by many in the mission to justify the current minimalist strategy. That the CDU includes false allegations on its curriculum can therefore be seen as reifying, and giving the official seal of approval to, stereotypes about the “crafty” or “devious” local acting against the (presumed) “innocent” and “good” peacekeeper.<sup>55</sup>

In light of the above, it is telling that none of our informants claimed to have been the subject of false allegations themselves, nor did most informants claim to personally know anyone that had been so accused. This invites speculation that the fear of false allegations is disproportionate to their frequency. Several knowledgeable informants confirmed that false allegations do in fact occur in Liberia. Yet as with so many other aspects of the SEA issue, it is difficult to accurately assess the scope of the problem of false allegations, in part because the point of false allegations is not necessarily to report them. The allure of false allegations is primarily extortionary: the accuser’s calculation is that the threat of being reported will sufficiently frighten the accused into paying whatever sum (or providing whatever help) is demanded. The prospect for immediate payoff diminishes once an allegation is actually reported, especially if the case is weak or transparently false. From another perspective, moreover, it is worth observing that the issue of false allegations can be a convenient scapegoat: the credibility of virtually any SEA report can be questioned by raising the bogeyman of false allegations.

The false allegations issue is nevertheless important because, according to some of our uniformed UNMIL informants, it negatively impacts the way they do their jobs. In a discussion on the potential contradiction between soldiers’ mandate of protecting the population and soldiers’ fears of that same population (owing to the fear of being falsely accused), one soldier noted to general approval: We protect the ones in the homes and avoid the ones in the street. The implication here is clear: those in the houses at night are “good”, decent, deserving of protection; those on the streets are “bad”, worthy of suspicion, up to no good. However, this sentiment clearly undercuts the goal of protection of the population supposedly espoused in both in the SEA policy and the mission mandate.

Even so, and despite the various issues outlined above, the UN’s own zero-tolerance campaign seems to be having a generally positive impact in Liberia, with reductions in both the numbers of overall allegations received and in the incidence of potentially criminal violations (e.g. rape, assault, statutory rape, child pornography).<sup>56</sup> Our local informants also confirmed that, in their personal opinions, the SEA problem by peacekeepers had dramatically improved since approximately 2006, following several high profile and damaging cases in 2005. Although they were not immune to the activity occurring in Monrovia’s bars and clubs – the typical tableau of young Liberians, especially women, drinking, dancing, and flirting with foreigners in the hopes of “making

<sup>55</sup> See also Whitworth (2004).

<sup>56</sup> See also: [http://www.peacewomen.org/un/pkwatch/News/08/UNMIL\\_SEA.html](http://www.peacewomen.org/un/pkwatch/News/08/UNMIL_SEA.html).

a contact” or “hooking up” – our local informants also seconded the mission’s claims that the reduction in serious violations was real.

It is difficult to ascribe exact reasons for this reduction, but most likely it is a combination of three factors: a decrease in sexually exploitative or abusive activity, likely owing to better awareness and/or fear of the zero-tolerance policy; ongoing failures to report violations; and activity being driven underground or more effectively hidden. Similar to the situation in Haiti, the SEA training seems effective in increasing personnel’s familiarity with the zero-tolerance policy. All of our UN informants in Liberia were aware of the existence of the zero-tolerance policy and could identify its possible sanctions; and most personnel were at least generally aware that the mission had experienced several highly publicized and damaging SEA cases in the past. At the same time, the policy tended to be represented somewhat differently in many informants’ retelling, typically with a more simplistic view of what was prohibited – often citing a blanket prohibition against sexual relationships with locals<sup>57</sup> – and a focus on the impact on the accused (repatriation, etc) rather than on the victim. Some of the interpretations of the zero-tolerance policy were also extremely rude; one informant summarized it as, “Don’t eat the bushmeat”. Here the positive aspect of knowledge of the policy is countered by the crude and misogynistic tone of the message being internalized.

Notably, the seemingly positive impact of the zero-tolerance policy does not stem from particularly robust enforcement of the type that could be expected from a maximalist approach; instead, as discussed above in chapter 3, the implementation of the policy in Liberia is almost entirely dependent upon reporting. The limitations of reporting as an enforcement mechanism have already been thoroughly aired and do not need repeating here, except to note a general agreement among interested parties in Liberia that under-reporting is a problem.

In this respect, a cautionary note is in order. The bulk of our fieldwork took place in Monrovia, and many of our informants had spent all or most of their time in the mission in the capital. It is therefore difficult to comment one way or the other on the many rumors we heard about life in “the bush”. The gist of these rumors was that SEA occurred much more openly and extensively in the countryside, away from the gossip and relative scrutiny of the masses in Monrovia. We heard unsubstantiated reports of the practice of having housegirls and houseboys: children or young adults that cook and clean and, in some cases, provide sexual services, in exchange for a salary and/or a place to live. We heard of a particularly problematic military contingent, no longer

<sup>57</sup> As noted in chapter 2, there is a blanket prohibition against sexual relationships pertaining to military personnel in Haiti, as the result of a Force Commander’s directive. No such blanket prohibition exists in the Liberian mission – although it is possible that individual battalion commanders could order their soldier and officers to abstain entirely from sex while in the mission, even in the absence of an overarching FCD.



in the mission, whose various battalions allegedly left behind a raft of “peacekeeping babies” and also frequented ramshackle video huts that both attracted children and showed porn; and of civilian middle managers essentially running their own fiefdoms (including easy access to sexual services) with very little effective oversight or control from Monrovia. We heard also of questionable practices and activities by representatives of NGO and humanitarian organizations. None of these rumors are verified, although we heard several of them from multiple sources with differing degrees of authority. The point here is merely to convey the impression, strongly expressed by our informants with experience in rural areas, that impunity is essentially unchecked away from the relative glare of the capital. It is not unreasonable to suggest that this urban/rural divide is replicated throughout other UN peacekeeping missions.

## **Mission context and the different approaches to prevention**

The minimalist and maximalist approaches outlined above illustrate how different tactics are used in fulfillment of a common strategy, namely the reduction or elimination of sexually exploitative and abusive behavior by UN personnel in peacekeeping operations. Different referents of protection are prioritized, and specific decisions and actions – such as whether or not to conduct a concerted public outreach campaign – reflect that prioritization. The policy itself is fixed, but its means of implementation vary in form, ambition, and effectiveness.

Retaining some flexibility in the implementation of the zero-tolerance policy is realistic and, indeed, likely necessary to the policy’s long-term survival once institutional attention inevitably shifts away from the issue of SEA. Moreover, it does not necessarily follow that “minimalist” should always be derided and “maximalist” always lauded. The key issue is instead the extent to which the chosen approach chimes with the capacity and resources of both UN actors and local and national partners, including the extent to which the latter have the interest or desire to cooperate with international actors on highlighting issues of gender and sex. Here one could postulate that, in the early mission phases at least, the minimalist approach is likely to be the default approach. The mission is scrambling to start up; establishing and maintaining security is the dominant priority; local actors are testing the waters of the new political order and the commitment of the UN mission leadership; and certain programmatic priorities (such as disarmament, demobilization and reintegration programs) are being launched. Adding a high-profile public outreach campaign, or robustly enforcing the SEA policy through dedicated nighttime patrolling, or working with local partners to improve the services available to prostitutes and other vulnerable women, are not likely to be

high on the priority list – even if the early phases are perhaps the most opportune time to set the tone for the mission and its relationship to local citizens. Nevertheless, taking a minimalist approach in the early phases does not preclude shifting into a more expansive, maximalist approach later on, especially if key national partners are leading (or are at least receptive to) related campaigns or activities dealing with sexual and gender-based violence. This seems to have happened in Liberia.

Indeed, in both the Haiti and Liberia cases, the decision to implement a minimalist or maximalist approach – although of course not framed in those terms – seems to have more-or-less reflected the contexts in which the missions are working, in balance with the SEA-related imperatives from New York. In Haiti, the mission is hardly in its early phases, but it remains bogged down by the country's volatile security and political environment and constrained by a limited mission mandate, meaning that the mission's priorities remain heavily security-dominated and narrow. The hostility of some prominent civil society actors towards MINUSTAH, and the lack of a strong national counterpart, seem to have privileged a more contained and constrained approach to SEA issues.

The Liberia mission, conversely, has made a concerted effort towards a more maximalist approach against SEA, in conjunction with other moves such as upping the status of the mission's gender office and working closely with the Johnson Sirleaf government on gender, sexual violence, and other issues. These moves seem to have been prompted by a combination of UN system-wide reforms brought on by the Zeid report, and pressure from the local media following the cases reported in 2005. Indeed, UNMIL's previous record of misconduct regarding SEA seems to have played at least some role in heightening the profile of SEA and the zero-tolerance policy within the mission, as the mission came under internal (UN-directed) and external pressure to clean up its act. Finally, the calming of the security situation and the mission's good relations with, and strong investment in, the Johnson Sirleaf government has also undoubtedly played important roles in the seeming shift from a more minimalist to a maximalist approach.

But what of the impact of the zero-tolerance policy, whether interpreted minimally or maximally? Some of the impact the policy has had within missions has already been examined above. But the impact question is both multifaceted and difficult to answer with assurance; and it is thus to a greater discussion of this issue that we now turn.



## 5. Initial impact and unintended consequences of the zero-tolerance policy

This report has been primarily interested in examining two aspects of the zero-tolerance policy's impact: impact within missions and on mission personnel; and impact on the incidence of SEA. Neither can be assessed definitively, but some interesting findings can be highlighted.

As noted above, the UN's statistics reveal that the number of reported SEA violations increased dramatically in 2005 and 2006, before decreasing considerably in 2007. This seems to indicate that the reforms put in place after the Zeid report are beginning to pay dividends. Yet as outlined in chapters 2 and 3, the SEA-related statistics gathered by the UN do not capture the problem in its entirety, owing largely to under-reporting and lax enforcement. The UN (2008) itself cautions against reading too much into the statistics, noting that:

... reports from other organizations suggest chronic underreporting of allegations of sexual exploitation and abuse, in particular of minors, against United Nations personnel, as well as personnel from the international aid community. In addition, the period during which systematic reporting and specific policies were implemented remains relatively short (from 2005 to 2007) and it is therefore difficult to make a conclusive determination and analysis regarding the decrease in the number of allegations in the reporting period [2007] (UN 2008: 5).

Substantiation of reported violations also remains a time-consuming and problematic process, which could feasibly have a chilling effect on future reporting: people may be less willing to report a violation if they feel it is a pointless exercise.

Many of our informants were indeed sceptical of the low incidence of reported SEA violations, as expressed in the UN's statistics or as communicated to them by the mission CDU. Yet anecdotal evidence as to the prevalence of SEA – from local residents and civil society; UN military, civilian and police personnel; and other (non-UN) internationals – sometimes markedly diverged, making it difficult to get a sense of the “real” dimension of the problem and, accordingly, of the effect of the zero-tolerance policy on the incidence of SEA. This is unsurprising. People are naturally influenced by their own experiences and immediate environment, as well as what they hear second-hand through friends, colleagues, etc. Those frequenting clubs and bars popular with

internationals, especially in the capital cities, will likely witness behavior that could be seen as suspicious with respect to the zero-tolerance policy, and may extrapolate from this that violations of the policy (at least as regards transactional sex) are commonplace. International staff working closely with local residents and activists, especially on gender and child protection issues, will likely be coming from a particular standpoint based in part on the experiences of and feedback from their sources. Among military personnel, their perceptions of the scale of the problem will likely be influenced not just by their own experiences and location,<sup>58</sup> but also by their perceptions of the quality of command and control in their battalion; that is, whether officers and fellow soldiers seem to turn a blind eye to exploitative or abusive behaviour and condone (or facilitate) a “boys will be boys” atmosphere (Martin 2005). Military personnel’s perceptions likely also depend on their rank and relative freedom of movement. For example, in both the Haiti and Liberia missions, staff officers assigned to the mission headquarters have far more mobility and freedom than officers and contingent soldiers living in barracks, which on a practical level means that staff officers can have a relatively unsupervised social life in their off-hours.

Furthermore, the fungible nature of under-reporting means that all sides’ perceptions can be validated. Under-reporting is by nature unquantifiable. It can thus be used to buttress the arguments both of those that feel that the SEA problem is significantly worse than the statistics show, as well as those that feel that the SEA problem is blown out of proportion. To the former, under-reporting is considered to be rife; reporting violations is the exception rather than the rule. The latter, conversely, agree that under-reporting is an issue but would not agree that it is rampant. Interestingly, people’s institutional affiliations are not necessarily predictive of where they stand regarding the severity of the SEA problem. For example, some informants that might be expected to have an expansive view of the incidence of SEA – because of their work on human rights or child protection issues or, in two instances, the fact that they worked for CDU – claimed instead that the problem was being somewhat overblown. On the other hand, we also experienced a great degree of frankness and openness from some uniformed personnel, who might be expected to be more defensive and sceptical about the issue. Regardless, neither side can prove the other wrong. In the absence of reliable statistics, therefore, attempting to trace the impact on incidence of the zero-tolerance

<sup>58</sup> For example, whether they are based in an urban or rural location. See above, chapter 4, on the alleged difference between urban and rural locales as relates to SEA prevalence and enforcement.

policy becomes captive to a fundamental disagreement among informants as to the scale of the SEA problem, both in general and over time.<sup>59</sup>

In Haiti, for example, street prostitution in certain areas of the capital – particularly the Petionville district in which many internationals live and work – is highly visible in the evenings, with women openly soliciting on street corners. White SUVs of the kind driven by UN and many other international personnel seem particularly targeted for solicitation, leading several of our informants to conclude that prostitutes are still finding willing buyers, zero-tolerance policy notwithstanding. At the same time, mission personnel in Haiti emphasize that they have taken a firm line against SEA, notwithstanding the lack of public outreach and the minimalist nature of their anti-SEA campaign. Certainly there seem to be stricter boundaries drawn between international personnel and local residents now than before: civilian UN personnel with experience from previous missions in Haiti noted real differences in the interaction between the mission and locals in MINUSTAH versus past missions, claiming that the mission personnel today are much more segregated and disconnected from the society around them. This likely owes to the difference in size and mandate of the missions, as well as the different security environments they occupy, but it could also be seen as evidence that the zero-tolerance policy is influencing how mission personnel conceptualize the “proper” relationship between them and Haitians. Some informants also explicitly linked the curfew imposed on UN personnel in the summer of 2007 with the SEA issue – a link that was denied by others involved in the curfew issue, who claimed that it was primarily targeted at curbing public drunkenness and drunk-driving on the

<sup>59</sup> Save the Children’s (2008) report found “significant levels of abuse of boys and girls (p.1)” in Haiti, South Sudan, and Côte d’Ivoire. Their findings were based on focus group discussions with children and adults (grouped separately) at various sites in each country/ region. According to Save the Children, over 50 percent of focus group participants identified coerced sex as a form of abuse that they had “seen, heard about, or experienced (4)”; furthermore, approximately 30 percent similarly identified forced sex. These findings received significant media attention when released, although in both the report itself and in the ensuing media coverage, the statistics mentioned above were either downplayed or unmentioned. This is wise, as the question being asked – “How many times have you seen, heard about, or experienced different kinds of sexual exploitation and abuse of children by peacekeepers or aid workers in your community (4)” – combined with the focus group forum, is bound to lead to inflated results. For example, if all 10 participants in a focus group discussion “heard about” the same incidence of forced sex in their community, then the findings from that focus group would show that 100 percent of participants “identified” that abuse – without clarifying whether it was just a rumor (“heard about”) and without noting that the same case was being identified by all participants. One might then (wrongly) infer that 100 percent of participants had themselves experienced that abuse, since there is no accompanying breakdown of whether identified abuses were seen, heard about, or experienced. Lumping in “heard about” with “seen” and “experienced” is thus deeply problematic in attempting to delineate the scale of abuse that is actually ongoing, by giving secondhand evidence the same weight as firsthand experience, and by not factoring in that 10 “cases” of identified abuse could in fact refer to one case of actual abuse.

part of personnel.<sup>60</sup> Military informants also stressed the seriousness with which they take the zero-tolerance policy, emphasizing that they are prohibited from having any sexual relationship with a local resident (a stricter policy than the “strongly discouraged” official stance), and pointing to “no walking out” rules that keep contingent military personnel on-base – and away from locals – when not on duty.

However, social self-segregation does not necessarily imply the absence of strictly transactional encounters and, as the Haiti case amply shows, seriousness of purpose does not inoculate against wrongdoing. For example, the repatriated Sri Lankan soldiers were (allegedly) able to circumvent the “no walking out” rule by taking advantage of lax oversight while the soldiers were on duty at off-base guard stations: the soldiers would allegedly slip away from their post, relying on the other soldier(s) at the post to cover for them. Here it is worth noting that, like the duelling arguments surrounding under-reporting, the repatriation of so many military personnel could in this case be interpreted either positively or negatively: as proof that the policy is working (because repatriations resulted) or failing (because offenses were committed at all). Meanwhile, local informants claimed that the Sri Lankan case, if not typical, was hardly surprising; the accusation has long been made that MINUSTAH are in Haiti only for its beaches and women. Exaggerated or not, this accusation seems to resonate among Haitians, and is only likely to be reinforced by the 2007 Sri Lankan case.

All of the above illustrates the complexity of trying to ascertain the scale of the SEA problem and the impact of the zero-tolerance policy. People’s own experiences, and the visible evidence of a large street prostitution market, are not definitive – but they can also be difficult to discount. Noting that official action against SEA seems ineffective or insufficient does not mean that those involved in enforcing the policy are not acting in good faith. It simply illustrates how difficult the policy is to enforce, in an environment that can be hard for outsiders to understand and nearly impossible to control.

One point worth noting from the Haiti case is that, while local informants tended to stress the difficulties Haitian women face from their own society – in terms of sexual and domestic violence, lack of legal protections, lack of respect, and prevalent insecurity and poverty – they also placed the activities of internationals vis-à-vis Haitian women on the same spectrum, rather than demarcating peacekeeper-inflicted SEA as a substantively different or exceptional phenomenon. Their point is that, where SEA occurs, it simply reifies and reinforces the subservient and exploited position that (especially poor) women in general face in the wider society, especially in relation to men. This is interesting because it represents a different approach from the UN’s, whose zero-tolerance policy posits a duality not between men and women, but

<sup>60</sup> Of course, these are not mutually exclusive goals.

between UN personnel and the local population.<sup>61</sup> The UN approach treats sexual exploitation and abuse among its personnel as an especially grievous occurrence, owing to the fact that “the United Nations [is] mandated to enter into a broken society to help it, not to breach the trust placed in it by the local population (UN 2005a: 8)”. A major strand of thinking behind the zero-tolerance policy is thus that the harm inflicted by sexual exploitation and abuse is somehow multiplied by the employment status of the exploiter or abuser. Perhaps paradoxically, this view of the amplified harm caused by UN-associated abuses depends on and reinforces the UN’s own self-image as a disinterested and essentially benign, even noble actor<sup>62</sup> – because betrayal by someone you trust or admire will be more strongly felt than betrayal by someone with no such expectations. Removing this special status by placing UN personnel on the same level as local residents – for example, by asserting that exploitative behavior by blue helmets is of a piece with exploitative behavior by Haitian men – collapses the us/them distinction enshrined in the zero-tolerance policy, thus undermining the UN’s collective self-image of disinterested superiority.

This distinction is also collapsed in the Liberia case. As noted in chapter 4, over the past two years the Liberian government has itself been driving the anti-SEA message, focusing specifically on the problem of exploitative behavior by “big men” in positions of authority (teachers, the “bossman”, etc). While the Liberian government campaign portrays Liberian men as the perpetrators, it sits alongside UNMIL’s own anti-SEA outreach and implicates aid givers and others in positions of authority in its overarching message of “no sex for help, no help for sex”. The implicit portrayal of UN personnel as no better or worse than other men is likely a more accurate reflection, at least at this point in UNMIL’s presence, of local residents’ actual expectations and experiences of mission personnel, even as it deflates the UN’s own self-image.

Informants in Liberia were, however, generally more disposed to speak favorably of the zero-tolerance policy’s impact than their Haitian counterparts: many local and international informants claimed that the SEA policy was helping reduce the incidence of SEA, at least in the capital. Most of the informants who made this claim did so on the basis of their own observation or impression that less sexually exploitative or

<sup>61</sup> Indeed, this makes all the more strange the assumption that increasing the number of women peacekeepers will necessarily improve SEA enforcement, presumably by transcending the dividing line separating local residents and peacekeepers that is enshrined in the SGB. See also chapter 3 above.

<sup>62</sup> This builds on Sandra Whitworth’s (2004) observation that, among certain “peacekeeping nations” (she emphasizes Canada), participation in peacekeeping operations is part of their “national myth” and a crucial element in how they represent themselves to themselves and others: “Peacekeeping tells us a great deal about the self-representations of states that deploy peacekeepers ... (p.15)”. The flip side of this, as Whitworth elaborates, is that peacekeeping also tells us “much of the (re)presentations of those countries in which missions are deployed (*Ibid.*)”, as is also the case here: peacekeepers are not *expected* to exploit or abuse, implying that no such expectation holds for local men.

abusive activity was occurring; a number of informants nonetheless hedged that the same level of activity could be occurring, only less openly and visibly. Notably, many local informants (and longer serving international personnel) explained that part of the reason that SEA seemed less prevalent in 2007 than before, was simply that the environment was previously so bad. The fact that some of the country contingents active in the wartime ECOMOG force continued into (and were simply re-hatted by) the post-conflict UN force seems to have been a source of particular problems.<sup>63</sup> Among these forces, three key transitions occurred in quick succession: from war to peace; from ECOMOG to UN responsibility; and from the pre-Zeid report UN to the post-Zeid report UN. Not all of these transitions were handled with particular grace; indeed, many commanders and soldiers seemed slow to appreciate the differences in rules and acceptable conduct entailed by the multiple shifts in authority or priority.<sup>64</sup> Of course, the latter transition – from the pre-Zeid report UN to the post-Zeid report UN – is one still being felt by the organization as a whole, as was alluded to by veterans of previous missions in Haiti comparing the current and past missions.

That brings up the other area of the zero-tolerance policy's impact, namely its effect on mission infrastructure, procedures (especially training), and rules and, relatedly, the way in which it seems to be perceived among different mission personnel. The development of the Conflict and Discipline units at headquarters and mission levels, and the expansion in the mandate of OIOS, are two obvious results of the zero-tolerance policy. Moreover, because neither the CDU nor OIOS are limited to SEA-related issues, they could potentially have a wider impact on missions in general, particularly as regards oversight and institutional enforcement of minimal behavioural standards.<sup>65</sup> The initiation training on SEA – and, in some cases, pre-deployment training for military personnel – also seems widespread and reasonably effective in both the Haiti and Liberia missions, insofar as transmitting basic knowledge about the zero-tolerance policy.

<sup>63</sup> This is not, of course, to imply that *only* those connected with the ECOMOG contributing countries are implicated in sexual exploitation or abuse in Liberia, nor that only military personnel are so implicated.

<sup>64</sup> Of course, militaries tend to operate with a single code of conduct and disciplinary regime that applies in times of both war and peace, and independent of whether the operation is under UN command or not. That said, it seems that in many militaries (and other types of organizations), the extent to which these rules get enforced, and the latitude that both commanders and soldiers have in pushing the boundaries of acceptable conduct, can vary quite widely according to context. In the Liberian case, the activities and behavior that some in the ECOMOG forces openly engaged in during wartime would be difficult to sustain (at least openly) in a UN peace operation, much less under the zero-tolerance policy; commanders and soldiers must therefore adapt to somewhat more stringent standards.

<sup>65</sup> As noted in the citation from the UN (2008) report, it is too early to make any conclusive determinations about the effect of the post-Zeid report institutional reforms.



It is more difficult to determine whether or not personnel internalize or sympathize with the reasons for the zero-tolerance policy, or the specific meanings of “sexual exploitation” or “sexual abuse”. From the perspective of stopping sexual exploitation and abuse, this may seem irrelevant: an advocate for a minimalist approach towards SEA prevention could argue that, so long as personnel know what is prohibited, it is less important that they can articulate why. This approach seems to be especially favoured by military informants, several of whom claimed that, because soldiers are used to following orders without asking why, the attempt to explain or moralize around sexual exploitation and abuse is preachy, tiresome, unnecessary, and potentially counterproductive. Yet for those interested in advancing gender equality using a rights-based approach – in line with the maximalist approach outlined in the previous chapter – it is not sufficient for personnel to only be aware of the zero-tolerance policy without taking on-board the larger issue of women’s and children’s protection and rights. This more robust, normative attempt to fit the SEA policy within a broader framework of rights is nevertheless more challenging to sustain, especially considering concerns regarding the limitations of training in conveying complex or multi-faceted information to diverse audiences. For example, a Knowledge, Attitudes and Practice survey concerning HIV training and awareness among MINUSTAH uniformed personnel noted that “there is not necessarily any relationship between levels of training and levels of knowledge ... a lot of training does not imply high levels of knowledge (Lothe and Gurung 2007: 16)”. The difficulty for rights-based advocates is to present progressive and, for many, challenging material in a way that is both comprehensible and does not produce a backlash.

Regardless, both rights-based advocates and proponents of the minimalist approach should be heedful of the disturbing effect outlined in chapter 4 above, concerning the extent to which the zero-tolerance policy unintentionally reinforces negative stereotypes about the local population and/or fellow UN colleagues. For many informants, the SEA policy and training essentially boiled down to an official admonition to minimize or eliminate contact with local residents as much as possible. Yet the “othering” that seems to feature in some of the training – as for example the exaggeration of the HIV prevalence rate in both Haiti and Liberia, as well as the emphasis on false allegations by locals – combined with the lack of substantive or meaningful contact with local residents seems to reinforce various unsavoury stereotypes among some informants. From mission informants in Haiti, for example, we heard variations of several themes: that Haitians are lazy, that Haitian girls are promiscuous, that sex (and the selling of it) is seen differently by the Haitian culture, etc. The function of such stereotypes, insofar as there is one, is to excuse questionable or exploitative behavior on the part of the peacekeepers, while casting dispersions on the intentions and worth of the local population. This “blame the victim” strategy, in which local women and girls are portrayed as highly sexualized and almost predatory in their advances towards



“innocent” and blameless peacekeepers, recurred in both Haiti and Liberia, and has also been noted elsewhere (UN 2007a; Higate 2007; Higate and Henry 2004). In these respects, therefore, the zero-tolerance policy seems to have unfortunately encouraged the persistence of racial and gender-based stereotypes of local residents. The stereotype of the rapacious black woman and their construction as “sexual predators (Higate and Henry 2004, p.491)”; the assumption that local women in the company of international men are probably prostitutes; the fear that local residents are infected or dirty; the slur that local residents are lazy – these are all at least tacitly reinforced, if not perpetuated, by the zero-tolerance policy.<sup>66</sup>

Purported “cultural” arguments also tend to emerge in the specific context of UN informants arguing against the zero-tolerance policy, particularly its prohibition of transactional sex (and to a lesser degree, sex with older teenagers). Particularly where informants come from different racial or ethnic backgrounds than the local population, these cultural stereotypes tend to mirror and reify the racial or gender-based stereotypes.<sup>67</sup> A typical form of the culture argument is that transactional or otherwise exploitative or abusive sexual behavior is “okay in this culture, because here they’re ... (promiscuous, poor, bad morals, treat “their” women badly, different about sex, enjoy making money this way, enjoy the attention, always start having sex young, etc)”.<sup>68</sup> In other words, the standards imposed by the zero-tolerance policy are deemed inappropriate to the degraded and/or highly sexualized local context. This enables the person making the argument to minimize or overlook the issue of harm to the local partner, by using the presumption that the local partner expects or is accustomed to much worse. As Farmer (2004: 287) notes, in discussing a pernicious effect of cultural stereotyping:

... cultural difference is one of several forms of essentialism used to explain away assaults on dignity and suffering in general. Practices, including torture, are said to be “in their culture” or “in their nature” – “their” designating either the victims or the perpetrators, or both, as may be expedient.

<sup>66</sup> As noted above, where scare tactics are used in HIV/AIDS training – as for example emphasizing the high HIV prevalence rate in the population (potentially on the basis of poor data) – this feeds into and reinforces negative stereotypes of locals as diseased, infected or dirty. Insofar as having HIV or AIDS is still conflated by some with moral failings, this likely increases the negative perception of the local population.

<sup>67</sup> Interestingly, some of our African UN informants in Liberia stressed that the Liberian culture is a hybrid of both African and American cultures, and emphasized that what they perceived as the degrading aspects of Liberian culture are attributable to the American inheritance – thus differentiating a wider “African” culture from the contemporary Liberian experience.

<sup>68</sup> Another variant of the cultural argument relates to the informant’s home culture, and goes along the lines that the prohibited behaviour is “okay in my culture”, which, despite being irrelevant as an excuse for sexual exploitation and abuse according to the SGB, nevertheless seems persuasive to many of our informants.

A related host-culture-based argument is not explicitly about the society's presumed sexual norms and behaviour, but rather concerns the perceived poverty and deprivation of that culture. A standard argument in this line has already been brought up in relation to the false allegations issue: that is, it is impossible to trust a local or believe anything they say because they are so poor (or desperate or dishonest or scheming) that will they say or do anything that will give them an advantage. This argument seeks to cast doubt on anyone making SEA allegations, on the grounds that they are only making up stories to get compensation from the UN. It also runs counter to the notion of the local population as referent of protection, predicated as it is on the debasement of the perceived standards and norms of the local population and culture. Significantly, although we never heard these various strands of arguments presented as justifications of informants' own activities, they were floated quite often when informants were discussing and expressing reservations about the SEA policy in the abstract.

The construction and perpetuation of such stereotypes cannot be seen in isolation from the duality between UN personnel and the local population posited by the zero-tolerance policy. Such stereotypes may be considered unintended consequences that run counter to the interests of the mission, but they do not occur in a vacuum. Indeed, as Whitworth (2004) argues, such a constructed and constantly reinforced duality between peacekeepers and the local population is an integral component of the peacekeeping exercise.<sup>69</sup> Whitworth is interested in the representational practices associated with peacekeeping, and argues that this entails two ideal types: nations that contribute troops to peacekeeping (good, engaged, modern) and nations that receive peacekeeping (primitive, chaotic, disordered, tribal). Accordingly, "peacekeeping serves as part of the contemporary colonial encounter, establishing knowledge claims about both 'us' and 'them,' knowledge claims that then serve to legitimize the missions themselves (Whitworth 2004, p.15)". These knowledge claims are evident in mission informants' statements that local residents are dirty, "easy", highly sexual, lazy, etc. Interestingly, with respect to SEA, they seem to work in opposing ways. On the one hand, knowledge claims are used to excuse or justify bad behaviour by peacekeepers, on the grounds that the local person lives in such a compromised and degraded environment that the peacekeeper's action could not possibly have caused harm. Conversely, some peacekeepers forwarded such knowledge claims in explaining why they would never commit sexually exploitative or abusive acts – because they were not tempted by the local women, whose poverty, physical appearance, perceived high risk of disease, and perceived lack of cleanliness and intelligence were considered turnoffs. However, Whitworth's argument does not fully account for the differences *within* peacekeep-

<sup>69</sup> Whitworth does not specifically address the zero-tolerance policy, which was promulgated not long before her book's release. She does, however, argue that the UN's attempts to deal with gender are focused on "problem-solving" rather than foundational critical questions, such as the imperialist nature of peacekeeping and the militarized masculinities that it forwards and celebrates.

ing missions, which, as noted in chapter 4, also cropped up as points of contention concerning the enforcement of the zero-tolerance policy. Insofar as racialized, cultural and gender-based stereotypes encompass UN colleagues from different nationalities, races, and gender, these are similarly detrimental to ethics, morale, and functioning of the mission.

Finally, the zero-tolerance policy can only be a limited attempt to deal with the highly gendered peacekeeping economy. The term “peacekeeping economy” generally refers to the industries and services (e.g. hotels, bars, restaurants) that spring up when a peacekeeping operation comes into an area, and depend on the custom and cash it provides (Rehn and Johnson Sirleaf, 2002). It can also refer to the skilled or semi-skilled jobs available to local staff in UN offices or NGOs (usually secretarial or translation-based); unskilled work such as housecleaning, laundering, running errands, etc for international staff; and participation in the sex industry, whether independently or mediated through a third party (e.g. pimp, madam) (see e.g. Jennings 2008). Some women benefit from the peacekeeping economy, whether from getting professional-level jobs in the UN mission or NGO sector; earning larger salaries for menial work from international tenants than local residents would pay; or earning a living through regular or occasional participation in the sex industry, and/or by being in a relationship with an international. At the same time, the peacekeeping economy’s contribution to the expansion of the local sex industry can be a source of insecurity to the women (and children and men) involved in prostitution, as well as in terms of the organized crime elements that may control and supply at least parts of the industry. The zero-tolerance policy aims to choke off the demand side of the sex industry – at least the demand from UN personnel – but is unlikely to change the fundamentals of the peacekeeping economy, which is characterized by extreme income inequality, an informal and often highly exploitable labour force, corruption and criminality, and a lack of accountability or sustained investment on the part of individuals and institutions associated with the post-conflict peacekeeping boom. Indeed, the zero-tolerance policy may make some people’s lives more precarious, by removing a source of income upon which they depend. For example, we heard that a group of prostitutes in Liberia apparently complained to the mission about the policy’s affect on their livelihoods, prompting the then-gender advisor to suggest that training in alternative livelihoods be offered to this group. Although above (see chapter 4) such a possibility was mentioned as a potential activity within a maximalist approach, in this case the idea does not seem to have been pursued. It nonetheless keeps alive the question as to what extent (if at all) the UN should recognize a responsibility towards prostitutes whose livelihoods suffer as a result of the zero-tolerance policy. Thus far there seems to have been little active consideration of this issue within the UN.

## 6. Conclusion

The zero-tolerance policy is a necessary corrective to the UN's previous institutional silence regarding the incidence of sexual exploitation and abuse by its staff and personnel in peacekeeping missions. It is normative – prohibiting certain activities and behavior that are not prohibited in many of the home countries of UN personnel – and unambiguously clear about the importance of protecting children from sexual overtures or exploitation by their ostensible protectors. It highlights that, in the UN-local dynamic, greater power often resides with the UN peacekeeper/staffer; and unapologetically asserts that exploiting this power differential for sexual purposes is both ethically wrong and punishable professionally. It is essentially an attempt to codify the principle of Do No Harm, as relates to the harm caused by sexual exploitation and abuse.

However correct the principles may be, it is in the implementation that policy proves its worth. Here the message is mixed, with some initial evidence that the zero-tolerance policy (and related reforms and training initiatives) is having a positive effect, balanced against a consensus among informants that the policy misses a greater or lesser extent of the activity it is supposed to cover.

Ultimately, effective implementation of the zero-tolerance policy in UN peacekeeping missions will continue to be challenging, owing particularly to the reliance on essentially voluntary reporting for policy enforcement. The zero-tolerance policy also suffers to some degree from a perceived lack of legitimacy among those bound by it. This is reflected in many informants' observations that the policy does not adequately distinguish between different degrees of sexual behaviour and misconduct – the “what really counts as SEA” issue – as well as some informants' view that the policy is a headquarters-driven exercise that is out of touch with the reality of mission life. The perceived lack of legitimacy is, of course, integrally related to the issue of reporting, as personnel are less likely to see reporting as imperative if they do not fully buy in to the policy itself. Finally, the ongoing ambiguity generated by the “strongly discouraged” clause relating to relationships with locals will likely continue to complicate the zero-tolerance policy's message and enforcement.

This report has argued that missions' interpretation and implementation of the Secretary-General's Bulletin varies according to whether the mission places the UN image or the local population as the *primary* referent of the protection intended by the zero-tolerance policy. This is not intended as a normative argument. Having one referent of protection as primary does not imply a lack of interest in others; and indeed,

the SGB and subsequent Zeid report clearly signal that concern for the UN image is a valid reason for prioritizing action against sexual exploitation and abuse, above and beyond the intrinsic harm caused by SEA.

It has further been argued that taking the UN image as the primary referent of protection privileges a minimalist approach to implementing and enforcing the zero-tolerance policy. A minimalist approach implies:

- Keeping the focus of the anti-SEA message internal to the mission.
- Limiting public outreach about the zero-tolerance policy.
- Emphasizing prevention of SEA by using deterrence- and sanctions-based argumentation, with potentially less emphasis on rights-based argumentation.
- Closing off or clearly delimiting interaction between mission personnel and the local population.

Certain mission contexts may privilege a minimalist approach:

- Where there is no national lead on, or desire or capacity to address, issues of sexual violence, including sexual exploitation and abuse.
- Where there is not active civil society cooperation, and/or where civil society is hostile to the presence or aims of the mission.
- Where the mission is in the start-up phase and/or in the midst of ongoing crises, and activities that could have a preventive effect on SEA (e.g. night patrols, roadway checkpoints) are encouraged or compelled to focus wholly on “hard” security issues rather than stopping suspicious SEA-related activity.

The minimalist approach involves some obvious tradeoffs and contradictions:

- Where there is little concerted public outreach on SEA, there is likely to be fewer false allegations from local residents – but there will be a heavier burden on reporting from external sources.
- Keeping the focus of the anti-SEA message internal may limit concern about false allegations from external sources – but encourage mutual and detrimental suspicion and stereotyping between and among different groups within the mission.
- Insofar as the minimalist approach relies on deterrence- and sanctions-based arguments, robust enforcement would seem necessary to make these arguments credible. This is difficult to accomplish where enforcement largely depends on voluntary reporting, and especially where reporting from external sources may be artificially low due to their heavier reporting burden. Moreover, viewing SEA through the prism of the UN’s image could instead lead to ad hoc, superficial, and reactive

responses intended to show that the institution is “doing something” to respond to violations.

- Unless sexually exploitative and abusive acts by UN personnel are either halted or clearly seen to invoke punishment, the UN’s image will suffer among the local population anyway. Making it more difficult for local residents to report abuses may keep a lid on adverse publicity or organized protest against the mission, but it will not enhance the UN’s image where it really matters: among the population that the mission is supposed to protect and serve.

Conversely, taking the local population as the primary referent of protection privileges a maximalist approach to the zero-tolerance policy. A maximalist approach implies:

- Conducting a comprehensive public relations and outreach strategy to inform local residents about the existence of the zero-tolerance policy, the recourse available, the means of reporting abuses, and, in the case of violations occurring, the status and outcomes of investigations.
- Lowering barriers to reporting for local residents.
- Establishing formal or informal working relationships with the national women’s ministry, women’s NGOs, police authorities, media outlets, and public health officials on the issue of sexual violence, including exploitation and abuse.
- Taking a more holistic approach to dealing with the issue of sexual violence in communities, for example by supporting existing or establishing new crisis centres for victims of domestic and sexual violence; and funding or supporting free clinics catering to the sexual health needs of women, including prostitutes.
- Making explicitly rights-based arguments to explain, frame, and justify the zero-tolerance policy, with deterrence- or sanctions-based arguments as secondary justifications.

Like with the minimalist approach, the mission context is relevant when considering a maximalist approach. Certain mission contexts seem more amenable to maximalist approaches:

- Where there is a national lead on issues of sexual violence, exploitation and abuse and some degree of national buy-in to the anti-SEA agenda.
- Where cooperative relationships exist between the mission/ UN agencies and the local actors that can act as “force multipliers” in communicating the anti-SEA message, and assist local residents in reporting violations and liaising with the mission or country team.

- Where there is a clear signal from mission leadership, both publicly and internally, that SEA is a leading area of concern for the mission.
- Where past or current misconduct on the part of mission personnel has compelled the mission to take a more robust approach, as a result of pressure coming from within the UN, the affected community, and/or the local and international media.

The maximalist approach, too, has tradeoffs and contradictions:

- Where public outreach is effective, the incidence of false allegations is likely to rise, along with the perception that false allegations are rife. This could negatively impact the way UN personnel do their jobs, insofar as they become suspicious – or even fearful – of the population they are supposed to be protecting.
- The institutional focus on false allegations by local residents may also implicitly or explicitly reinforce existing racial, gender-based, or purportedly “cultural” stereotypes against the local population.
- Where the focus on SEA is considered excessive or disproportionate, the likelihood of backlash or dismissiveness towards the policy among UN personnel may increase.
- The enforcement dilemma is essentially unchanged from the minimalist approach: robust enforcement is undermined by the dependence on voluntary reporting and the relative paucity or under-utilization of other means of enforcement.
- To the extent that the zero-tolerance policy is interpreted as discouraging contact with locals or promoting the cordoning off UN personnel from the larger community, this does not seem entirely reconcilable with having the local population as referent – unless it is assumed that a necessary element of protection from sexual exploitation and abuse is the imposed separation of UN personnel from local residents.

Both the minimalist and maximalist approaches outlined above are ideal types. In actuality, the approaches – and related characteristics, dilemmas, and contradictions – tend to overlap. Nonetheless, differentiating the two ideal types provides some clarity in terms of which actions and desired outcomes may be prioritized, possible, or unrealistic in different mission contexts, as well as what the tradeoffs of different implementation modalities may be.



## Organizational issues: Improving the OIOS-mission relationship

Regardless of the chosen approach, there are some common organizational issues, related to the way SEA cases are handled, that could be improved. In particular, the relationship between OIOS and the mission (especially mission leadership) is critical. The OIOS is mandated as an independent office and should therefore not enjoy a particularly close relationship to the mission, as this could compromise their integrity in conducting investigations. Nonetheless, our fieldwork revealed two different approaches to the relationship between OIOS and the mission CDU: one of which was essentially confrontational, closed, and somewhat contentious; the other of which was characterized by regular (if effectively delimited) cooperation and communication between the two offices, with a shared sense of their common purpose.

Protecting OIOS's independence and integrity should not require a confrontational relationship with the mission. Indeed, this is likely to be counterproductive, creating resentment among those within the mission that should be OIOS's natural allies, such as the CDU, the Department of Safety and Security officers and investigators, and the civilian, military, and UNPOL leadership. In the mission characterized by a confrontational relationship with OIOS, the most oft-repeated complaint by mission informants was a total lack of information-sharing on the part of OIOS. After CDU forwarded an allegation to OIOS, it (and other elements of the mission) was left in the dark as to the allegation's validity, seriousness, and scope (e.g. whether more than the original accused was found to be implicated). This meant that both the CDU and, more acutely, mission leadership were unable to effectively or pro-actively manage problem individuals or groups purportedly under their control, on the basis of accurate information. Significantly, the lack of information-sharing was not a flaw of this particular mission; instead, it is how OIOS is designed to work, with information flowing vertically (to New York) rather than horizontally (to the mission). It was the mission that featured a good working relationship between OIOS and CDU that, according to both mission and headquarters sources, appears to have been the outlier.

This is hard to fathom, as it is difficult to imagine that a reasonable accommodation cannot be found between the OIOS's need to conduct thorough and fair investigations, and the mission leadership's equally valid need to be aware of the magnitude and seriousness of problems among their ranks or staff, and prepare for the fall-out that will inevitably occur should an allegation be substantiated. Indeed, it seems counterproductive to entrench or reinforce an adversarial relationship between OIOS and the mission. It is likely that tensions will always exist between the two, as is normal between the two parts in any investigatory or auditory relationship. However, the lack of horizontal communication on the part of OIOS indicates that the mission is, by default, the enemy – not to be trusted with sensitive or potentially damaging information,

presumably out of an impulse to cover-up or obstruct investigations. This obscures the point that, on the issue of SEA, the interests of the mission CDU, mission leadership, and OIOS intersect, regardless of whether the mission takes a minimalist or maximalist approach. This common purpose should be harnessed in a more cooperative and productive fashion, rather than being squandered in mutual distrust and, according to some informants, disdain. Thus, regarding ongoing investigations or patterns of allegations,<sup>70</sup> limited information-sharing between OIOS, the mission CDU, and the relevant mission leadership – the SRSG plus the Force Commander where military personnel are involved; the deputy SRSG's office for civilian or agency staff; and the Police Commissioner's office where UNPOL are involved – would be a goodwill gesture that could also improve OIOS's work, insofar as a cooperative relationship between at the top levels translates into increased access and cooperation from management at all levels during OIOS investigations. Willingness to cooperate in investigations would also likely be further improved if OIOS could ensure the confidentiality of witnesses, which at present is not always the case. Finally, a more productive relationship between the mission and OIOS would enable the mission leadership and CDU to monitor and manage its staff and personnel more effectively while investigations are ongoing, and take pro-active measures where necessary according to feedback on problem areas or groups from the OIOS. It would also enable mission leadership to adequately prepare for the negative ramifications of substantiated allegations.

A further advantage of better information-sharing is that the mission could then communicate more effectively with the local person or persons making the allegation, and the local community. At present, those making allegations do not automatically or necessarily receive information on the status of the investigation. This is primarily because those in the mission or country team that are the primary contacts with the complainant do not have access to information on the investigation. According to some OIOS informants, this closeness with information is necessary to ensure the investigation's integrity. Yet it is easy to see how a lack of information to the complainant and the local community could generate or reinforce a perception that UN personnel's crimes or misconduct are covered up and whitewashed. Especially where public outreach has been attempted on SEA, it seems bizarre to then expect that affected parties and communities will be satisfied by a withholding of information on the investigation or eventual punishment – especially where the allegation(s) are known and widely discussed within the communities. Again, limited and responsible information-sharing with the complainant and, where relevant, civil society, community leaders, and media outlets will help combat the impression of whitewashing at seemingly little cost to the investigation's integrity.

<sup>70</sup> For example, if a cluster of allegations are received about a particular unit within the mission or from a specific geographic area, indicating a pattern of abuse.

## Dealing with stereotypes and improving enforcement

An issue discussed throughout this report is how the training, interpretation, and perceptions of the zero-tolerance policy seem to unintentionally reinforce among informants some existing stereotypes of both the local population and fellow UN colleagues. Regarding stereotypes of the local population, these are to some degree institutionally reinforced through the emphasis in SEA training on the problem of false allegations.

Without setting the mission CDU or gender advisor the unrealistic task of removing existing stereotypes that mission personnel may hold, it is nevertheless important that they (and other responsible personnel, such as management or military officers) avoid perpetuating, reinforcing, or introducing new stereotypes via the zero-tolerance policy. Information on how to protect oneself against false allegations should therefore be presented as commonsensical and universal, in a way that avoids making the local population the issue. Training on SEA and, relatedly, HIV/AIDS prevention should be related to the facts, regulations, and issues at hand; based on sound data (insofar as possible); and should in particular avoid sweeping generalizations of the habits and perceived culture of the local population, especially where the goal of such generalizations is to scare personnel. For example, emphasizing the presumed high prevalence rate of HIV produces the impression of a diseased and degraded polity; and this in turn was reflected in a number of informants' casual statements that the local population was "dirty", "infected", and "unclean". Focusing on the otherness of the local population vis-à-vis UN personnel is neither necessary nor productive in these contexts. While personnel can be given guidance on basic points of etiquette and conduct appropriate to the local context, this is different from ascribing characteristics – such as untrustworthiness, opportunism, "different" moral values, etc – on the basis of particular behaviour carried out by a limited constituency within the population. Reinforcing stereotypes in no way improves protection either of the local population or the UN image. Speculatively, it would seem to have the opposite effect.

Missions could also maximize their efforts against SEA by making better use of existing activities. Simply emphasizing SEA prevention as a priority rather than secondary element of ongoing activities could have immediate impact. These activities include: night patrols by the mission's security unit, military police, and UNPOL; investigations into curfew violations; listing and sporadically checking in on "out-of-bounds" establishments prohibited to mission personnel; and road checkpoints. Systematically integrating SEA awareness and enforcement into these activities would signal a proactive approach to the zero-tolerance policy, and help move beyond the current dependence on reporting for enforcement. This would, however, entail the need for better guidance for those on patrol or otherwise in a position to enforce the zero-tolerance policy on-sight, in order to balance concern for preventing possible

violations with the ethical problem of assuming that interaction between peacekeepers and local residents is exploitative or transactional by default.

Finally, either more guidance is needed on how to appropriately deal with the “strongly discouraged” standard for relationships with local residents, or the clause should be discarded. The “strongly discouraged” clause complicates attempts to explain and fairly enforce the zero-tolerance policy, and to substantiate allegations. It is an entirely subjective standard that muddies the otherwise clear and easily understood prohibitions and aims of the zero-tolerance policy, thus undercutting its legitimacy among personnel. As noted above, policy success is about more than principle: it is also about ability to implement. The principle at stake as regards local relationships is that exploitation is about power, and that exploitative relationships are not simply those where elements of exchange and control are visible and open, but also where the power differentials are such that one party’s ability to withhold consent is effectively removed. The assumption is that relationships between UN personnel and local men or women are likely to feature such lopsided power differentials. The assumption is arguable – it seems to homogenize all peacekeepers and all locals, regardless of the socioeconomic, cultural, educational, gender, and racial diversity present in these groups and populations – but the principle is sound; and the Secretary-General’s Bulletin represents a progressive and laudable attempt to translate that principle into policy. But the implementation aspect fails and, in the process, threatens to sour personnel on the more straightforward aspects of the policy. Either clear guidance should be developed for the OIOS, the CDU, and mission management and personnel as to what constitutes a prohibited relationship, or the zero-tolerance policy should be revised to take an unequivocal stance about the propriety of relationships with local men or women.

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# Protecting whom?

This policy report critically examines the preliminary impact and implications of the zero-tolerance policy towards sexual exploitation and abuse in two UN peacekeeping missions – the UN Stabilization Mission in Haiti and the UN Mission in Liberia – using the organizing principle of protection. It argues that the missions have taken different approaches to implementing the zero-tolerance policy according to different primary referents of protection: in Haiti, the UN image was the primary referent, resulting in a minimalist approach to implementation of the zero-tolerance policy; while in Liberia, the local population was the primary referent, resulting in a more maximalist approach. The report also lays out findings of particular relevance for policymakers and practitioners.

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