

Sexual abuse by United Nations peacekeeping forces and the legitimacy of peace operations

Yosi Echeverry Burckhardt¹

In December 2004, the *Washington Post* reported allegations of sexual abuse by UN peacekeepers in the Democratic Republic of Congo (DRC), quoting a fresh UN report which found that sexual abuse by UN peacekeepers “(...) appears to be significant, wide spread and ongoing.” The official reactions of the UN system have been strong ever since, but not much has changed in reality. This paper will ask to what extent the continued incidents of sexual abuse and exploitation undermines the UN legitimacy in the field as well as argues that the repeated problems with sexual abuse will not change until the essentialist gender discourse within the UN system is changed, because discourse is in itself a practice. The main geographical focus of this paper will be the Democratic Republic of Congo.

¹ I would like to take this opportunity to thank Prof. Christopher Cramer and Dr. Zoe Marriage; both my previous lecturers at the School of Oriental and African Studies, for a fantastic MSc in Violence, Conflict and Development studies and for their comments and positive feedback on this essay. I dedicate this article to all the women and girls, boys and men who are suffering from the violence they are experiencing due to the ongoing conflicts in the DRC. May the future look brighter!

1 Introduction

As early as 2001, rumours started to spread regarding incidents of sexual exploitation and abuse by international aid workers in Africa. The UN Office of Internal Oversight Services (OIOS) and the Office of the United Nations High Commissioner for Refugees (UNHCR) opened an initial investigation in 2001 in order to investigate on these allegations². The investigations resulted in a report, in which it was clearly stated that sexual exploitation and abuse (SEA) by international staff working in conflict or post-conflict zones is not tolerated. A UN General Assembly Resolution was passed in 2003, reiterating the concerns expressed in the 2002 report³. Yet in December 2004, the *Washington Post* reported new allegations of sexual abuse, this time by UN peacekeepers in the DRC, quoting a fresh UN report, claiming that "[the report] accuses U.N. peacekeepers from Morocco, Pakistan and Nepal of seeking to obstruct U.N. efforts to investigate a sexual abuse scandal that has damaged the United Nations' standing in Congo."⁴ In the aftermath of the scandal, the UN Secretary-General (SG) at the time, Kofi Annan, appointed His Royal Highness Prince Zeid Ra'ad Zeid Al-Hussein to be his special advisor and assist the SG in addressing the problem. A thirty-eight page report was subsequently published in March 2005, clearly stating in the summary "it is now time for the United Nations to take effective action to stop sexual exploitation and abuse."⁵ Simultaneous to the publication of the Zeid report, the *Washington Post* once again reported on accusations of sexual abuse, this time in Burundi, Liberia and Haiti.⁶

In September 2006, the South African newspaper, *Independent Online*, reported another story of abuse in the DRC by peacekeeping troops, telling the story of a 16 year old girl selling her body in a local brothel and saying that "[t]he best [customers] are from the UN peacekeeping force, particularly the South Africans and the Indians."⁷ Two years later, in 2008, the UK based charity NGO *Save the Children*

released its report "No one to turn to" on sexual abuse by humanitarian staff and UN peacekeepers, stating that "[c]hildren as young as six are trading sex with aid workers and peacekeepers in exchange for food, money, [and] soap..."⁸ The repeated reports show that abuse continues to occur in spite of the many official efforts by the UN through resolutions, the Zeid report, and the SG bulletin⁹ to fight this phenomenon. The wide gap between official policies and practical reality within the UN might be called what M. Lipson calls "organized hypocrisy",¹⁰ a phenomenon that will be further discussed below. The evident discrepancy becomes clear when considering the statement of former United States UN ambassador Richard Holbrooke saying that "[h]uman nature is human nature. Where Peacekeepers go they attract prostitutes."¹¹ Is there really a genuine commitment to address the repeated allegations of sexual abuse within the UN?

The United Nations is the organisation most frequently in charge of peace operations¹² with a total of 64.000 peacekeeping personnel stationed around the world according to 2005 data¹³, although there are other regional and multinational organisations such as the EU, NATO, AU and others who participate or are in charge of operations. The UN actions naturally become normative and an object of comparison for other organisations involved in similar activities. Therefore, the actions of the UN personnel on the ground will have wider implications than merely in the field where troops and personnel are deployed. They are followed and scrutinised by the entire international community. Also, the *reactions*, or rather the lack of actions to fight SEA by peacekeeping troops are closely monitored by others. The repeated accusations of sexual abuse and exploitation by UN

2 UN 2003a.

3 UN 2003b.

4 Washington Post 2004.

5 UN 2005, "Prince Zeid Report".

6 Washington Post 2005.

7 Independent Online 2006.

8 Save the Children 2008, 5.

9 UN SG Bulletin 2003.

10 Lipson 2007.

11 Holbrook quoted in Mazurana et al. 2005, 34.

12 The term "peacekeeping" "peacekeeper" and Peace Keeping Operations (PKOs) will be used in the broadest sense, including peacebuilding, and will at times be synonymous with "Peace operations". For separate definitions, see e.g. Paris 2004, 38.

13 Dwan & Wiharta 2005, 140.

peacekeepers as well as the UN's inability to act upon these allegations in practice seriously undermines the organisation's credibility and legitimacy in the field as well as in the eyes of the general public. Yet, what is usually addressed when discussing the UN peace operations is the vast number of practical challenges to their operations, that is resources, personnel, and security, when it is in fact the lack of legitimacy that can often constitute a great challenge to the efforts made to maintain or build peace.¹⁴ The UN failures in Somalia are just one example of failure caused by lack of legitimacy, and it remains to be seen if the United Nations Organization (Stabilization) Mission in the Democratic Republic of Congo (MONUC/ MONUSCO) will succeed or not.

This essay will explore issues of legitimacy and how sexual exploitation and abuse contributes to undermining the legitimacy of the UN, both within the organisation and the international community, as well as amongst the local population where the peacekeeping troops are deployed. Is it relevant how the peacekeepers act, and if so, why and in what ways? The essay will address this and other questions, using the DRC as a primary case study. For the purpose of this essay, the definition of sexual abuse that will be utilised comes from the UN Secretary General Bulletin on this matter: "actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions."¹⁵ Moreover, the term sexual exploitation "means 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."¹⁶ These acts can include rape and other forms of sexual and gender based violence taking place in unequal power relations, as between a peacekeeper and a local, and can therefore also be identified as crimes against humanity as stated by the Rome Statute of the International Criminal Court (ICC): "[r]ape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of gender violence of comparable gravity" is a crime against humanity.¹⁷ This definition is also useful in the sense that it is neutral with regards to the victim of such violence, i.e. there is no specific reference to whether this kind of violence is against a male or female victim.

It is important to acknowledge that sexual abuse and exploitation is not merely committed against women. By only mentioning the occurrence of gender violence against men in small footnotes or in a single sentence when writing about gender violence, the constructed image of men as perpetrators and women as victims is perpetuated further¹⁸. As the 2008 *Save the Children Report* shows, some cases of female aid workers abusing locals have been registered¹⁹. It is important to overcome these fixed perceptions of perpetrator

and victim and acknowledge that women can also participate in sexual violence as well as violence in general²⁰. Nevertheless, this standpoint does not disregard the fact that *most* cases of sexual exploitation and abuse by peacekeepers and other international aid personnel are committed by men against women. The fact that gender violence is being presented as a phenomenon synonymous with violence against *women* throughout the UN discourse is highly problematic and will be discussed further below.

14 Dwan & Wiharta 2005, 139; Pouligny 2006; Gya et al. 2009.

15 UN SG Bulletin 2003, 1.

16 Ibid.

17 ICC Rome Statute, article 7, 1(g).

18 Sivakumaran 2007, 3.

19 Save the Children 2008, 5.

20 Jacobs et al. 2000.

2 The United Nations, ideas of legitimacy, and the discourse on gender

2.1. *Legitimacy*

As Herz has noted, "World history (...) might well be written in terms of legitimacy (...) its presence, strength, or else its erosion and its disappearance (...) its rise and decline has determined much of history and yet, (...) its meaning is difficult to define."²¹ While trying to actually explore this contested concept, I realised, like Herz, that it is indeed impossible to find one finite definition or understanding of legitimacy that would cover all aspects adequately, as there are no universally shared criteria of the concept²². There is a vast literature discussing a number of ways to understand and conceptualise this idea. In an attempt to summarise this vast literature and provide some kind of order, Suchman divides legitimacy into three basic categories: normative legitimacy, cognitive legitimacy, and pragmatic legitimacy²³.

Normative legitimacy is argued to be a utility of convictions about what gives the right to an individual or institution to exercise power. In other words, an institution is legitimate because it is considered the righteous possessor of power by the standards of a given community. Cognitive legitimacy on the other hand, focuses on the psychological level which is the degree to which an institution is accepted. An institution is legitimate because we accept and treat it as a given. Lastly, pragmatic legitimacy focuses on the "interest-based" acceptance of an institution by the most affected parties. In other words, an institution is considered legitimate when the affected parties consider it to be in their interest to accept it.²⁴

The idea of normative legitimacy is particularly interesting in the context of the UN and other global governance organisations (GGOs) because it focuses on the extent to which a community accepts the justness of an institution.²⁵ Cognitive legitimacy, on the other hand, could also be considered relevant when discussing the UN. It is an idea related to Herz's idea of "sullen toleration", which he argues renders legitimacy

meaningless because an institution's "rule" is neither rejected nor accepted.²⁶ In fact, all these three ideas of legitimacy are relevant to international organisations like the UN. Pragmatic legitimacy seems fitting when considering the member states and their shifting interests to accept UN legitimacy depending on for example the passing of resolutions and other actions taken.

It is not only the UN that grapples with issues of legitimacy, all organisations do to some extent, but some are more vulnerable than others.²⁷ I would argue, considering the UN's dominant and normative position among the GGOs, that it is an organisation highly vulnerable to fluctuations in legitimacy. Further, I argue, that the UN is an organisation that is highly dependent on the public's acceptance of its actions and activities, and thus it has to try to avoid Herz's concept of sullen toleration exactly because it depends on the social and political support of the community to such a great extent²⁸.

As Buchanan and Keohane argue, "the perception of legitimacy matters, because, in a democratic era, multilateral institutions will only thrive if they are viewed as legitimate by democratic publics."²⁹ The mention of democratic publics in this quotation leaves me with the questions: what about the non-democratic publics? What about the perceptions of legitimacy among the local population,³⁰ in this case in the DRC? Their views ought to be part of the equation, because ultimately they are the ones suffering from the actions/misactions of the UN peacekeepers on the ground. In order to determine how sexual abuse impacts local perceptions of the legitimacy of the UN peacekeeping mission, one would have to conduct extensive field research. It can be assumed, however, taking into account the recent study by *Save the Children*, that local women and girls lose respect for peacekeepers that are involved in SEA and this would impact their views regarding the legitimacy of the mission as a whole.

21 Herz 1978, 317–318.

22 Koppel 2008, 193.

23 Suchman (1995) quoted in Koppel 2008, 182.

24 Ibid.

25 Koppel 2008, 182.

26 Herz 1978, 320.

27 Hannigan & Kuenemann 1977, 131.

28 Dowling & Pfeffer 1975, 133.

29 Buchanan & Keohane 2006, 407.

30 I am not making any judgement with regards to the democratic nature of individuals in the country but rather on state level.

Whichever way one twists the issue of legitimacy, Buchanan and Keohane rightly argue that a legitimate GGO does not threaten human rights, it contributes to a state of affairs more so than it would if the organisation was not present, and it practices its values concerning procedure and mission.³¹ Clearly, engaging in sexual relations with local girls, regardless of whether by force or "voluntarily," does not fulfil these criteria.

2.2. Gender discourse and practice

The United Nations has produced a number of documents, reports, and resolutions in recent years addressing issues surrounding women and girls in times of "war" and "peace".³² Among these are the UN Security Council Resolution 1325,³³ Resolutions 1888 and 1889, the Secretary General's Report of 2002 on Women, Peace and Security and its follow-up report from 2004,³⁴ as well as evaluating the application of Resolution 1325 internally in the UN and in UN programs and agencies. In addition, the Windhoek Declaration (2000) and the Namibia Plan of Action (2000) are important UN documents addressing "women's issues". The ways in which these issues are articulated, produced and reproduced are problematic due to the essentialist narrative of gender they are being articulated within.³⁵

Providing this brief outline of the UN discourse on gender is vital for the discussion later regarding issues of sexual abuse and how it undermines the legitimacy of the peace operations. Could it be that the failures of UNSCR 1325 and subsequent resolutions and documents are in direct connection to the ways in which gender is articulated within the reports and the resolutions itself? Dismissing women as "victims" legitimises their exclusion as equal parts. Both Shepherd and Väyrynen argue that discourse is not merely language but rather "practices that systematically form the object of which they speak."³⁶ In other words, the presentation of gender in the above mentioned documents has an impact on the ways in which the UN understands gender and thus, how it acts upon the goals it sets for itself as an organisation. If correct, that the representation of gender in the UN discourse is essentialist as Shepherd and Väyrynen argue, then this means that the practices in the field, such as in peace operations, are also treating gender questions in an essentialist way.

Many women's advocacy groups and feminist academics welcomed the UNSCR 1325 and other similar documents issued

by the UN regarding women's issues.³⁷ They perceive UNSCR 1325 as the "final reward for the efforts made by determined women who have fought for equality between women and men in UN contexts (...)." ³⁸ It is questionable, however, if it is indeed equality between the genders these documents are promoting or rather a conventional representation of essentialist and dichotomous gender roles, especially considering the slow progress of gender mainstreaming in recent years due to a great deal of reluctance from senior staff.³⁹ It could be argued that the ways in which women are presented throughout the above mentioned UN reports and UNSCR 1325 is problematic in several ways.

Firstly, gender is presented as if it is synonymous to women.⁴⁰ In all the above-mentioned documents, gender and women are presented as being the same. There are no definitions of what exactly is understood by "gender", and there is no mention as to how gender issues are related to men. Secondly, male and female identities are constructed to be inherently different and, thus, supposedly explaining why they experience conflict and violence in different ways. Shepherd notes that women are always presented as different from and inferior to men and quotes one UN report saying "women do not enjoy equal status to men in any society", which according to the report is "grounded in biological difference" and not in a social construction of identities.⁴¹ This way of de-politicising the differences between men and women and claiming that women are essentially weaker than men is not only wrong but also a "(...) dangerous political force, designed to shore up differences and inequalities, to sustain domination."⁴² Women can be dismissed because they are not considered to be equal partners in society due to their biological weakness.

The clear-cut dichotomies between women and men are further promoted through the essential linking of women to motherhood and to a caring nature. In point 9 of the SG 2002 Report, women are "providers and caregivers" and are the ones providing water and energy for their households⁴³. They are not providers out of free will, however, and are always in more need of assistance because they are forced to provide for their family as the men and boys are lost in conflict. It could be argued that this representation of women minimises female agency and reproduces a conventional link between men/ conflict/ war/ protector versus women/ victim/ peace/ protected.⁴⁴ In addition, this representation fails to acknowledge the increased participation of women in armed combat, and implicitly makes those women who do participate appear as lesser women because they are acting outside the expected pattern of female behaviour.⁴⁵

31 Buchanan & Keohane 2006, 420.

32 The words "war" and "peace" are in quotation marks here because the ways in which these two words are presented as dichotomies by the UN, is problematic in itself. How do we distinguish between war and peace when the levels of violence often increase in a "post-conflict" period? Rape and SGBV has not decreased since the conflict in the DRC was officially over in 1999, but rather steadily continued each year since.

33 UN 2000.

34 UN 2002; UN 2004.

35 Shepherd 2008, 90; Jacobs et al. 2000, 13.

36 Shepherd 2008; Väyrynen 2004, 126.

37 see e.g. Olsson & Tryggestad 2001; Peace Women online.

38 Olsson & Tryggestad 2001, 1.

39 Raven-Roberts 2005, 5.

40 Shepherd 2008; Väyrynen 2004.

41 Shepherd 2008, 87.

42 Cockburn (1998) quoted in Shepherd 2008, 87.

43 UN 2002, 9.

44 Shepherd 2008, 87; Väyrynen 2004, 137.

45 Shepherd 2008, 88.

Thirdly, women are presented as incapable of helping themselves and are thus in need of special care and protection. UNSCR 1325 article 10 for example "calls upon all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual violence"⁴⁶. This is a way of presenting women's issues through a managerial and problem-solving approach that perceives women as "a problem to be overcome."⁴⁷ It fails to acknowledge that in many cases men need similar assistance⁴⁸ and does not question the reasons as to why women are often targeted through rape and sexual gender based violence (SGBV). Furthermore, the reports and the UNSCR 1325 are conceptualised in a way that assumes that women, by nature, are more peaceful than men⁴⁹. Resolution 1325 continuously stresses the "important role of women in the prevention and resolution of conflicts and in peace-building (...)."⁵⁰ Women are thus ascribed a specific type of agency and identity;⁵¹ they are viewed as the essential victim in need of protection, not due to societal constructs of femininity and masculinity but due to biological weakness and their peace seeking nature.

Lastly, the slow process of gender mainstreaming within the UN and in its field missions, despite the ambitious goals set by the organisation itself and the recognised importance of employing an increasing number of female peacekeepers in the field, demonstrates the lack of commitment to gender equality within the UN. The number of female military personnel in UN peacekeeping missions in 2005 was still at the exceptionally low level of 1%⁵². According to Raven-Roberts, this is due to a strong reluctance from a majority of (male) managers throughout the UN system to adhere with the goals for gender equality within the organisation.⁵³ Thus, the representation of women as the essential victims seems to fit well with the lack of commitment to gender mainstreaming as they are also indirectly dismissed as equal and respected partners in important positions. The only thing one can do to promote women's rights is to "protect" them; allow participation but no decision-making power.

2.3 *Gender and legitimacy in the United Nations*

Linking the UN discourse on gender to the main concern of this essay, legitimacy, is vital. As has been argued, legitimacy is a highly contested concept. However, it has also been established that any legitimate organisation needs to, at the minimum, contribute to improving the state of affairs through its presence and its actions, and must practice its preached

values⁵⁴. In the case of the latter, this would mean that the UN peacekeepers ought to follow, their mission statements as well as their code of conducts to a much greater extent than they currently do. Although opposing views might exist on the threats to security that prostitution and trading sexual favours for food and other commodities pose to women's lives, there is no doubt about the strict moral obligations the peacekeepers have agreed to adhere to by signing up for peacekeeping missions. From the point of view of UN ethics, using local sexual services, regardless of whether forced or "voluntary", is an indisputable abuse of status and thus in clear moral contradiction with the aims that peacekeepers officially seek to achieve in conflict and post-conflict countries.

Although the question of legitimacy is particularly challenging for international organisations due to the fact that the constitution of the communities accepting or rejecting its legitimacy is ambiguous and multifaceted,⁵⁵ it could be argued that there is a strong enough disconnect between discourse and practice to claim that a problem of legitimacy arises. The UN relies on the international community's support for its actions to survive. The negative media-coverage could lead to a feeling of mistrust and loss of legitimacy in the eyes of the general public towards UN peacekeeping missions that the UN cannot afford.

46 UN 2000.

47 Shepherd 2008, 92; Väyrynen 2004, 138.

48 Shepherd 2008, 92.

49 Väyrynen 2004, 137.

50 UN 2000.

51 Väyrynen 2004, 137.

52 DCAF 2005, 20.

53 Raven-Roberts 2005, 54.

54 Buchanan & Keohane 2006.

55 Koppel 2008; 2000.

3 Conflict and gender in the Democratic Republic of Congo

Sexual violence is serious in any situation, regardless of context or whether it occurs in times of peace or war. Rape and sexual violence have grave social, cultural, domestic, physical, and psychological repercussions regardless of who the perpetrator is⁵⁶. It could be argued, however, that when UN peacekeepers are stationed in a country where rape and sexual violence has been a major war strategy, used to intimidate hundreds of thousands of women and men and used as a means to spread fear, it is even more problematic that the supposed protectors of law and order become perpetrators of sexual violence. Legitimacy is "crucial for the success of peace-building (...)." ⁵⁷ Repeated involvement in sexual abuse, however, severely jeopardises this legitimacy.

The conflict in the Democratic Republic of Congo has been labelled the world's deadliest conflict since World War II with more than 5.4 million people killed⁵⁸ and where brutality against civilians, and specifically sexual violence, is an integral part of the war⁵⁹. Jan Egeland, the former UN Emergency Relief Coordinator has called it "the biggest, most neglected humanitarian emergency in the world today."⁶⁰ The MONUC/MONUSCO, initially put in place to oversee the 1999 ceasefire,⁶¹ is the largest UN mission with almost 20.000 military troops employed;⁶² a number far too modest for a country of the size of Western Europe⁶³. The most recent conflict officially broke out in 1998 in the aftermath of a *coup d'état* in 1997, in which Laurent Kabila overthrew dictator Mobutu⁶⁴. The first peace agreement was signed in Lusaka in 1999. Despite this, 2.5 million people have died in the Eastern Congo between 1998 and 2001.⁶⁵ Furthermore, the conflicts in North and South Kivu have continued in spite of a power sharing deal – the 2002 Sun City Accords in South Africa –

as well as another Peace Accord signed in 2008 between the government (elected in 2006) and all armed forces in the Kivus.⁶⁶

The conflict in the DRC clearly illustrates that the clear-cut dichotomous perceptions of peace and war within the mainstream discourse are not without problems⁶⁷. As Johan Galtung has noted, "the absence of war does not mean peace"⁶⁸. Violence has continued and epidemic rates of sexual violence have been a key feature of the conflict,⁶⁹ and, according to the UNHCR, are perceived as "normal"⁷⁰. A Congolese counsellor calls the sexual violence "a war within the war."⁷¹

The rapes, forced prostitution, abductions, and slavery have not ended with the signing of treaties and accords. People remain living in fear of being abused and raped. The International Federation for Human Rights (FIDH) estimates that in South Kivu alone, there were 14.200 cases of rape reported in 2005, 27.000 in 2006 and 12.000 in 2007.⁷² According to the Congolese Women's Campaign Against Sexual Violence, everyday 40 women are raped in the Eastern Congo.⁷³ The victims of rape and other forms of SGBV are not only adults; children are being raped to a great extent as well.⁷⁴ It is, thus, more useful to view the events of continued conflict and abuse in the DRC in light of Bourgois' notion of a *continuum* of violence⁷⁵. As a *Time Magazine* reporter mentions: "Congo provides tragic proof that in some places peace and war can look a lot alike."⁷⁶

Since there has been no anthropological research conducted in the DRC for many years due to the ongoing

56 DCAF 2005, 14.

57 Dawn & Wiharta 2005, 149; Pouligny 2006.

58 ICTJ 2008, 4; Time Magazine 2006.

59 HRW 2002, 3; Mazurana et al. 2005.

60 Collins 2005.

61 HRW 2002, 13.

62 Time Magazine 2006, 2.

63 Ginifer 2002, 125.

64 ICTJ 2008, 4.

65 Ginifer 2002, 121 & 124; HRW 2002, 17.

66 ICTJ 2008, 4–5.

67 Väyrynen 2004, 127–128.

68 Galtung quoted in Jacobs et al. 2000, 1.

69 ICTJ 2008, 2; FIDH 2008, 1.

70 ICTJ 2008, 3.

71 HRW 2002, 23.

72 FIDH 2008, 2.

73 Congolese Women's Campaign Against Sexual Violence, <http://www.drcsexualviolence.org/site/en/node/35>.

74 Kirchner 2007.

75 Scheper-Hughes & Bourgois 2004.

76 Time Magazine 2006, 2.

violent conflict, it is difficult to adequately assess the current social fabric and gender roles in the country. According to Human Rights Watch, the freedom and choices of women in the Congolese society have always (also before the recent conflicts) been constrained by social norms and traditional male and female identities⁷⁷. As this essay attempts to challenge the usual victimisation and stigmatisation of women and their standing in society, this statement will not be taken at face value. In general, it should be mentioned that women in Central Africa have a relatively great degree of autonomy compared to other regions in the continent. This, of course, is not meant to undermine the harsh conditions women *as well as* men live in and that basic human rights are lacking.

In relation to the endemic levels of sexual violence, however, the somewhat gendered realities need to be noted. In this regard, the notion of honour is important; as rape and gender violence is often deliberately used as a means of destroying that honour.⁷⁸ However, women and men are positioned differently in the distribution of honour. In the literature on gender violence, it is therefore often argued that in many cultures men are the agents and active producers of honour while women are those who break the honour of a given family or community by being raped⁷⁹. In an attempt to restore the honour of women who are raped, they are often forced to marry the man that raped them. Children are forced into prostitution due to poverty and hunger after being excluded from their community as a result of losing their honour after rape.⁸⁰

Given the circumstances of sexual violence against young girls and women, and the widespread use of "survival sex", it is highly disturbing and troubling that UN peacekeepers are repeatedly involved in rape and sexual abuse of adults as well as children. This is not to say that all peacekeepers are sexual offenders, although, the reputation of peacekeepers as a whole is jeopardised by the actions of a few. As Gya, Isaksson and Martinelli argue in a report on SEA for United Nations Development Fund for Women (UNIFEM), the EU needs to have a zero tolerance on SEA due to its negative effect on the local populations⁸¹. The same should apply to the UN.

77 HRW 2002, 20.

78 HRW 2005; WHO 2002; Gilligan 2000.

79 Gilligan 2000, 230.

80 HRW 2002, 21; Save the Children 2008.

81 Gya et al. 2008, 4.

4 “Organised hypocrisy”

Despite the 2005 Zeid report investigating allegations of sexual abuse by UN peacekeepers in the DRC and several other documents that explicitly announced a “zero tolerance” policy towards sexual abuse, little action has been taken. The link between rhetoric and action remains weak, a phenomenon Lipson calls “organised hypocrisy”⁸². The cases of sexual abuse by UN personnel in the DRC have continued in the last decade despite the clear message in the UN’s “Code of Personal Conduct for blue helmets” that says: “do not indulge in immoral acts of sexual, physical, psychological abuse or exploitation of the local population or UN staff, especially women and children”,⁸³ yet sexual abuse by peacekeepers is not officially condemned by UN human rights bodies⁸⁴. Although it is difficult to prove as it is not subject to a quantitative analysis, it is clear that the repeated breaches of the code of conduct damages the credibility of the UN mission’s work⁸⁵.

According to a detailed report on sexual abuse published by *Save the Children*, there were 856 allegations of sexual abuse against UN staff in 2004–2006. It can be assumed that this is only the tip of the iceberg, as reporting of sexual violence is low due to fears of international authorities, lack of adequate response or disbelief and fears of being stigmatised by the community.⁸⁶

Another problematic issue with regards to SEA by UN military personnel is that all UN peacekeeping personnel enjoy complete immunity from prosecution for any crimes while on missions. The responsibility to prosecute rests entirely on the sending country.⁸⁷ The only punitive measure the UN can take is to repatriate the person in question. As Koppel argues: “[p]rocedural regularity is a quintessential element of the legitimate bureaucracy” and further “[t]his ‘rule of law’ also extends to the application of organizational requirements to individual members and non-members.”⁸⁸ In this case,

members could be interpreted as member states, and as an extension, the peacekeepers.

The impunity enjoyed by peacekeepers for serious sexual crimes thus undermines the legitimacy of the peace operations in several ways if we accept Koppel’s argument above as well the afore-mentioned ideas of legitimacy in GGOs. Firstly, it undermines the *raison d’être* of the entire mission – establishing security and the rule of law in war torn countries – by sending out a signal that not all are equal before the law; some are allowed to act as they please without having to bear the consequences. Secondly, it clearly shows that the UN and the international legal system has serious flaws⁸⁹ and that despite “zero tolerance” policies and numerous reports condemning these actions, the issue is not taken seriously enough to consider policy changes in order to prosecute UN staff. Giving the sending countries of the troops the responsibility to prosecute perpetrators of serious sexual violence is highly problematic and troubling, considering that 92 per cent of today’s UN peacekeepers come from developing countries where the juridical system might not even recognise sexual violence as a serious crime.⁹⁰ Further, the repeated cases of SEA in the DRC and elsewhere undermines best practices and hinders Resolution 1325, with all its flaws and essentialising representations of women, from being adequately implemented.⁹¹ Thirdly, in the DRC, where impunity for sexual and gender based violence is a widespread problem, the UN’s credibility on initiatives to fight gender violence is weak, due to the organisations own shortcomings in adequately holding those within the organisation itself responsible for such crimes.

Any successful and effective peacekeeping mission depends on good relations with the civilian population.⁹² In the DRC, where impunity in general and especially for sexual violence and SGBV is almost absolute and people have no faith in their government as guarantor of justice, the UN peace mission risks to be perceived just as incapable as the

82 Lipson 2007, 17.

83 Code of Personal Conduct quoted in DCAF 2005, 17.

84 Carey 2001, 62.

85 see e.g. Gya et al. 2008, 7.

86 Save the Children 2008, 15.

87 Bedont 2005, 86; Save the Children 2008, 16; DCAF 2005, 17; Carey 2001, 62.

88 Koppel 2008, 191.

89 Oostervald 2005, 70.

90 Dwan & Wiharta 2005, 146; Bedont 2005, 90.

91 Gya et al. 2008, 4.

92 Olsson & Tryggestad 2001, 1.

state and peacekeepers are seen to endanger the very security they are seeking to establish.⁹³ The fact that the MONUC/MONUSCO has launched a national strategy aiming to fight sexual violence in the DRC as late as in April 2009, 10 years after the first peacekeepers were employed in a country where rape and other forms of SGBV have been a key strategy of the conflict itself, shows the lack of priority these issues have for UN peace operations and further weakens the organisation's credibility when addressing gender issues in general.⁹⁴ UN peace operations are based on the primacy of human rights, and as the discussion on legitimacy has shown, legitimacy indeed does depend on a defence of basic human rights. Yet the actions of a number of individual peacekeepers and the fact that they are not acted upon adequately, seriously undermines any authority the UN might have when setting the agenda on gender issues. As Kofi Annan, mentions in the foreword to the OISOS report from 2003: "[s]exual exploitation and abuse by humanitarian staff (...) violates everything the United Nations stands for."⁹⁵

The fact that sexual exploitation and abuse is committed by the people in charge of restoring some kind of security and stability in the phase of transition from war severely compromises the success of the peacekeeping mission itself and perpetuates and exacerbates any existing inequalities between the sexes in the societies in which they are placed.⁹⁶ Official policies against women can, at the worst, be reinforced by the practices of international organisations⁹⁷ and unfortunately the actions by UN peacekeepers do not improve the state of the situation, but rather worsen it.

Conflict, however, can also be transformative. It can profoundly amend the social and cultural values of a society.⁹⁸ Women may be in a new situation where they themselves have become the head of the household or the providers. They might have been forced into this position as the 2002 UN SG Report on *Women, Peace and Security* states, but it can also lead to a positive change and is not necessarily something negative for the women in question over the long run. The opportunity to consolidate any possible positive change to the gender dynamics in a transitional society such as the DRC should be seized to a greater extent by a UN peacekeeping mission. It could be argued that the MONUC/MONUSCO, rather than having contributed positively to narrowing existing gender inequalities in the DRC, has further worsened the situation by participating in the abuse and sexually exploitation of women and children as young as 10 years old⁹⁹. The actions of peacekeepers send out the message that abusive behaviour and exploitation of women is acceptable.

Finally, to return to some of the issues raised above on the gender discourse within the UN, the discursive power of the representation of women is an important factor when

considering issues of peace operations and their problems of legitimacy. It has been argued that discourse is more than words, and that it is a practice that shapes the object of which it speaks. This would mean that the essentialist way women are presented as eternal victims, promoters of peace, and weak beings in need of protection from the international community, is reflected in the actions by peace operations and other practices by the UN.

Lipson argues that the inconsistency between the UN official discourse on gender and the practices in the field (such as SEA) reflects "organised hypocrisy" and that discourses can often compensate for inconsistent action as they satisfy the demands to address an issue without actually taking any action.¹⁰⁰ The hypocrisy is further reinforced by normative pressure to "do something" (for example, fighting sexual abuse) which is not acted upon, however, due to lack of political will from member-states and opposition from masculine cultures in the higher ranks of the organisation.¹⁰¹ Thus, this practice results in undermining the credibility of the UN and its actions. In other words, the discourse on action to fight sexual and gender violence is a practice in itself, rather than a starting point for subsequent action.

Without engaging too much with the concept of organised hypocrisy in itself, it becomes evident that Lipson makes an important point. The low priority that gender issues have had in the planning of UN peace operations in the past as well as the fact that there seems to exist a strong decoupling between the condemnations of sexual exploitation/abuse on the official level and actual reforms to hold perpetrators accountable, clearly demonstrates the validity of Lipson's argument.

93 FiDH 2008; Pouligny 2006, 103 & 112–113.

94 MONUC interview 2009.

95 Un 2003a, 1.

96 Bedont 2005, 83 & 87; Gya et al. 2008.

97 Pankhurst 2008, 4.

98 Pouligny 2006, 22.

99 Save the Children 2008.

100 Lipson (2007, 6–7) refers to organised hypocrisy as a "product of formal organizations, [that] results from systematic contradictions in organizational environments" and argues that "[o]rganized hypocrisy is a variant of the institutionalist concept of 'decoupling' between organizational structure and behaviour"; a phenomenon that is more common in international organisations than we think.

101 Ibid., 10, 13 & 16–17.

5 Conclusion

This essay has shown that the behaviour of UN peacekeepers in the DRC is highly problematic in various ways. It has been argued that continued incidents of sexual exploitation and abuse by peacekeepers seriously undermine the UN legitimacy in the field because it does not contribute to improving the state of a situation. At the same time it is a serious abuse of the status (UN peacekeeper) and economical supremacy *vis-à-vis* the local population. By not responding adequately to allegations of sexual abuse and avoiding addressing the problems of the immunity that is enjoyed by UN peacekeepers, the organisation affronts the very principles it seeks to re-introduce in the war torn societies in which peacekeepers are employed – the rule of law and a sense of human dignity and safety.

The severity of the abuse is even greater when taking place in a country where rape and sexual slavery has been a key feature of the conflict. As many have argued, earning the trust of the local population is crucial for the success and legitimacy of any UN peace operation. This trust, however, is not gained through exacerbating the already highly insecure realities women and girls find themselves in due to the gendered nature of war. The UN is deployed with a mission to protect; to protect both men *and* women. As Raven-Roberts mentions, however, peacekeepers are mostly given no gender-awareness training, in fact they often receive no information about the local realities at all, and many are not aware of the mandate of the operation itself.¹⁰² This can lead to distrust from the local population. In the future this should be addressed in close cooperation with the newly established UN Women agency.

Also the United Nations Department of Peacekeeping Operation (UN DPKO) needs to seriously consider changing the current parameters of peacekeeping missions. The immunity policy should be revised although it is clear that this is a highly complex issue, as it will directly impact the willingness of UN member states to contribute with troops. It is not sufficient; however, to simply dismiss a peacekeeper that has been found guilty in sexual exploitation and abuse, as this only reinforces the feeling of helplessness and insecurity of refugee women. Further, the UN needs to finally put into action the gender

mainstreaming measurements it has put into place, in order to decrease the levels of organised hypocrisy prevailing today. Lastly, women's activists and promoters within and outside the UN need to consider a change of discourse on gender, in order to communicate a stronger focus on gender in general and not only women and in order to change the way women are represented in both discourse and practice within the UN system. A heavy responsibility now lies with Ms. Bachelet, former president of Chile, and newly elected head of UN Women.

¹⁰² Raven-Roberts 2005.

References

Official documents, various reports and news

Congolese Women's Campaign Against Sexual Violence in the Democratic Republic of the Congo (DRC). <http://www.drcsexualviolence.org/site/en/node/35>, last accessed 17.4.2009.

DCAF (2005): "Women in an Insecure World-Violence against Women; Facts, Figures and Analysis." Geneva: Geneva Centre for the Democratic Control of Armed Forces.

FIDH (2008): "Democratic Republic of Congo: Breaking the Cycle of Impunity." Fédération Internationale des Ligues des Droits de l'Homme.

Gya, G., C. Isaksson & M. Martinelli (2008): "Report on ESDP Missions in the Democratic Republic of Congo (DRC)." Paper prepared for UNIFEM Brussels.

HRW (2002): "The War within the War – Sexual violence against women and girls in Eastern Congo." Human Rights Watch.

HRW (2005): "Sexual Violence and its consequences among Displaced Persons in Darfur and Chad." *Human Rights Watch Briefing Paper*, April 12.

ICC Rome Statute. <http://www.iccpi.int/Menus/ICC/Legal+Texts+and+Tools/Official+Journal/Rome+Statute.htm>, last accessed 3.4.2009. International Criminal Court.

ICTJ (2008): "Background Note and Recommendations on Ongoing Transitional Justice and Gender Issues in the Democratic Republic of Congo." International Center for Transitional Justice.

Independent Online (2006): "Misery of DRC Child prostitution," 26 September 2006. http://www.iol.co.za/index.php?set_id=1&click_id=68&art_id=qw115933770162B23, last accessed 3.4.2009.

MONUC interview (2009): "Interview with MONUC special advisor on Gender issues on launch of overall strategy in the fight against sexual violence in the DRC." <http://monuc.unmissions.org/Default.aspx?tabid=932&ctl=Details&mid=1096&ItemID=3372>, last accessed 10.4.2009.

Peace Women online: <http://www.peacewomen.org/>.

Save the Children (2008): "No One to Turn to – the underreporting of child sexual exploitation and abuse by aid and peacekeepers." London: Save the Children Alliance.

Time Magazine (2006): "The Deadliest War in The World." <http://www.time.com/time/magazine/article/0,9171,1198921,00.html>, last accessed 15.4.2009.

UN (2000): "Security Council Resolution 1325 on Women, Peace and Security." S/RES/1325.

UN (2002): "UN Secretary General's Report of the Secretary-General on women, peace and security." S/2002/1154.

UN (2003a): "Investigation into sexual exploitation of refugees by aid workers in West Africa." A/57/465.

UN (2003b): "General Assembly Resolution on sexual exploitation of refugees in West Africa." A/RES/57/306.

UN (2004): "UN Secretary-General follow-up Report on women, peace and security." S/2004/814.

UN (2005): "Prince Zeid Report: Review of the whole question of peacekeeping operations in all their aspects." A/59/710.

UN SG Bulletin (2003): "Special Measures for protection from sexual exploitation and sexual abuse." *UN Secretary General's Bulletin*, ST/SGB/2003/13.

Washington Post (2004): "UN Sexual Abuse alleged in Congo," 16 December 2004. <http://www.washingtonpost.com/wp-dyn/articles/A3145-2004Dec15.html>, last accessed 3.4.2009.

Washington Post (2005): "UN faces more accusations of Sexual Misconduct," 13 March 2005. <http://www.washingtonpost.com/wp-dyn/articles/A30286-2005Mar12.html>, last accessed 3.4.2009.

WHO (2002): "World report on violence and health." World Health Organization.

Windhoek (2000): "Windhoek Declaration on the 10th Anniversary of the UN transitional assistance group (UNTAG): Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations."

Bibliography

Bedont, B. (2005): "The Renewed Popularity of the Rule of Law: Implications for Women, Impunity and Peacekeeping," in D. Mazurana, A. Raven-Roberts & J. Parpart (eds.) *Gender, Conflict, and Peacekeeping*. New York: Rowmna and Littlefield Publishers.

Buchanan, A. & R.O. Keohane (2006): "The legitimacy of global governance institutions." *Ethics and International Affairs*, 20: 405–437.

Carey, H.F. (2001): "The Politics of Implementing Gender Sensitivity Norms in Peacekeeping." *International Peacekeeping*, special Issue on Women and Peace and Security, 8(2).

Collins, C.J.L. (2005): "World's Worst Disasters Overlooked – Survey identifies biggest "forgotten" crises." *Fairness and Accuracy in Reporting*, May–June, <http://www.fair.org/index.php?page=2537>, last accessed 28.10.2010.

Dwan, R. & S. Wiharta (2005): "Multilateral peace missions: challenges of peace-building." *SIPRI Yearbook 2005: Armaments, Disarmament and International Security*. Stockholm Peace Research Institute.

Dowling, J. & J. Pfeffer (1975): "Organizational legitimacy: social values and organizational behaviour." *Pacific Sociological Review*, 18: 122–136.

Gilligan, J. (2000): *Violence; Reflections on our Deadliest Epidemic*. London: Jessica Kingsley Publishers.

Ginifer, J. (2002): "Peacebuilding in the Congo: Mission Impossible?" *International Peacekeeping*, 9(3), Autumn.

Hannigan, J.A. and R.M. Kuenemann (1977): "Legitimacy and Public Organizations: A Case study." *Canadian Journal of Sociology*, 2(1).

Herz, J.H. (1978): "Legitimacy: Can we Retrieve it?" *Comparative Politics*, 10(3): 317–343.

Jacobs, S., R. Jacobson & J. Marchbank (2000): "Introduction: States of Conflict," in S. Jacobs, R. Jacobson & J. Marchbank (eds.) *States of conflict: Gender, Violence and Resistance*. London & New York: Zed Books.

Kirchner, S. (2007): "Hell on Earth-Systematic Rape in Eastern Congo." *The Journal of Humanitarian Assistance*. <http://jha.ac/2007/08/06/hellon-earth-systematic-rape-in-eastern-congo/>, last accessed 10.4.2009.

Koppel, J.G.S. (2008): "Global Governance Organizations: Legitimacy and Authority in Conflict." *Journal of Public Administration Research and Theory*, 18: 177–203.

- Lipson, M. (2007): "Peacekeeping: Organized Hypocrisy?" *European Journal of International Relations*, 13(5).
- MacQueen, N. (1999): *The United Nations Since 1945 – Peacekeeping and the Cold War*. London & New York: Longman.
- Mazurana, D., A. Raven-Roberts & J. Parpart (eds.) (2005): "Introduction," in *Gender, Conflict, and Peacekeeping*. New York: Rowmna and Littlefield Publishers.
- Olsson, L. & T.L. Tryggestad (2001): "Introduction." *International Peacekeeping*, special Issue on Women and Peace and Security, 8(2).
- Oosterveld, V. (2005): "Prosecution of Gender-based Crimes in International Law" in D. Mazurana, A. Raven-Roberts & J. Parpart (eds.) *Gender, Conflict, and Peacekeeping*. New York: Rowmna and Littlefield Publishers.
- Pankhurst, D. (ed.) (2008), *Gendered Peace; Women's struggle for Post-War Justice and Reconciliation*. New York & London: Routledge.
- Paris, R. (2004): *At war's end-building peace after civil conflict*. Cambridge University Press.
- Pouligny, B. (2006): *Peace Operations Seen from Below – UN missions and Local People*, London: Hurst & Company.
- Raven-Roberts, A. (2005): "Gender Mainstreaming in United Nations Peacekeeping Operations; Talking the Talk, Tripping the Walk," in D. Mazurana, A. Raven-Roberts & J. Parpart (eds.) *Gender, Conflict, and Peacekeeping*. New York: Rowmna and Littlefield Publishers.
- Scheper-Hughes, N. & P. Bourgois (ed.) (2004): *Violence in War and Peace: an Anthology*. London: Basil Blackwell.
- Shepherd, L. (2008): *Gender, Violence and Security-Discourse and Practice*. London & New York: Zed Books.
- Sivakumaran, S. (2007): "Sexual Violence against Men in Armed Conflict." *European Journal of International Law*, 18(2).
- Suchman, Mark C. (1995): "Managing legitimacy: Strategic and Institutional approaches." *Academy of Management Review*, 20.
- Väyrynen, T. (2004): "Gender and UN Peace Operations: The Confines of Modernity." *International Peacekeeping*, 11(1), Spring.