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Introduction

1.1 MINUSTAH – A REFLECTION OF WIDER ISSUES WITH PEACEKEEPING

The United Nations (UN) Stabilisation Mission in Haiti (MINUSTAH) withdrew completely in October 2017 after thirteen years of deployment and was replaced by a smaller mission, the UN Mission for Justice Support in Haiti (MINUJUSTH), mandated under Chapter VII of the UN Charter but comprised of police units and police officers with no military component.¹ The draw down of MINUSTAH provides an opportunity to review the mission's significance and legacy and to provide a candid examination of the conduct and responsibilities of the mission without risk of exacerbating the challenges faced by UN troops on the ground.

Whilst MINUSTAH is praised for its role in improving security, within Haiti there is strong criticism of the mission for its human rights violations and lack of accountability. Pressure on the UN to address a perceived accountability gap is particularly acute in relation to the cholera outbreak of 2010 – for which the UN has since apologised but failed adequately to remedy – because the scale of the harm is so large: the epidemic has killed and injured many thousands.² But there is also pressure to address the mission's lack of accountability with regard to sexual exploitation and abuse (SEA) – the mission has one of the worst SEA records of any UN mission³ – and the mission's use of

¹ S/RES 2350 13 April 2017; Security Council Grants Final Mandate Extension for United Nations Stabilization Mission in Haiti, Unanimously Adopting Resolution 2350 (2017) Delegations Question Language Added to Text, Reference to Chapter VII of Charter www.un.org/press/en/2017/sc12794.doc.htm (accessed 25 April 2020).

² R. Freedman and N. Lemay-Hébert, Haiti Report March 2017 <http://blogs.reading.ac.uk/participation-lab/files/2017/05/Haiti-Report-Final-April-21.pdf> (accessed 25 April 2020).

³ UN Office of Internal Oversight Services (OIOS), 'Evaluation of the Enforcement and Remedial Assistance Efforts for Sexual Exploitation and Abuse by the United Nations and

excessive force in carrying out security operations that resulted in scores of deaths and injuries to people that were not involved in criminal activity.⁴ In part the UN has relied on the immunity conferred on it by the Convention on the Privileges and Immunities of the UN⁵ to deny any legal responsibility, especially regarding the cholera outbreak.⁶ As of the time of writing, other than the UN Victims' Rights Advocate, senior UN personnel remain reluctant to meet with those that have been directly harmed by its operations even in cases, such as the cholera epidemic, where it acknowledges that it bears some responsibility.⁷ These and other unintended consequences of MINUSTAH are central to the legacy that it leaves behind, whilst also providing a window into issues experienced by peacekeeping across the world.

MINUSTAH was unique as a UN mission in many respects, yet many of the challenges it faced, and many of the criticisms levelled against it, are paradigmatic of the challenges and criticisms facing current peacekeeping operations, particularly those missions with a stabilisation element. MINUSTAH was the first UN peacekeeping mission specifically to be designated as a stabilisation mission. Stabilisation usually entails support to the host state government in quelling threats to the stability of its rule. Today stabilisation has become a core function of peacekeeping, a rapid development that has taken place in less than fifteen years.

MINUSTAH is also the first mission in which none of its activities had any connection to armed conflict owing to there being no armed conflict in Haiti throughout the entire period of MINUSTAH's deployment.⁸ The UN acknowledges that outside of armed conflict, the guiding principles governing

Related Personnel in Peacekeeping Operations', 15 May 2015, revised 12 June 2015 1434375935_1_IED_15_001.pdf.

⁴ S. Wills and C. McLaughlin *It Stays With You*, a film and information website on the UN 'collateral damage' in Haiti <https://itstayswithyou.com> (accessed 25 April 2020).

⁵ Convention on the Privileges and Immunities of the United Nations, 1 U.N.T.S. 15, 13 February 1946, New York.

⁶ Briefing by Bureaux des Avocats Internationaux and Institute for Justice and Democracy in Haiti www.ijdh.org/cholera/cholera-litigation/ (accessed 25 April 2020); Interview with Haitian human rights lawyer Ezili Danto, World Brief Huffington Post Live 13 June 2015 www.youtube.com/watch?v=u3YJChM4U10 (accessed 25 April 2020).

⁷ Freedman and Lemay-Hébert, Haiti Report March 2017 (n 2).

⁸ International Crisis Group, 'Towards a Post-MINUSTAH Haiti: Making an Effective Transition: Latin America/Caribbean Report No 44', 2 August 2012, www.crisisgroup.org/latin-america-caribbean/haiti/towards-post-minustah-haiti-making-effective-transition, 16 (accessed 25 April 2020); C. Call and G. Sorensen, *U.N. Operations and State-building: A Case Study of Haiti* (New York: Center on International Cooperation 2009), 5. In researching the case study Call and Sorensen conducted interviews in Haiti and at UN headquarters with various units at DPKO, DPA, UNDOCO and UNDP, as well as with think tanks and some experts, which suggests that their view reflects a degree of consensus at the UN. Their case study is cited in UN

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law enforcement should be informed by international human rights law (IHRL) standards – but has yet to formally incorporate these standards into its rules of engagement (ROE) for military forces carrying out law enforcement operations – such as providing security for elections, dealing with criminal gangs, and responding to riots. This is problematic given that much of peacekeepers' work is now concerned with law enforcement. This is true not only in Haiti – a paradigmatic example of a law enforcement oriented peacekeeping mission – but also in many other twenty-first-century missions, particularly those with a stabilisation element (notably the UN Organisation Stabilisation Mission in the Democratic Republic of the Congo (MONUSCO), the UN Multidimensional Integrated Stabilisation Mission in Mali (MINUSMA), the UN Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA)).

According to the UN's own website, fifteen of the UN's current peacekeeping missions are mandated to carry out Rule of Law tasks; another fifteen to carry out tasks relating to Electoral Assistance; eleven to provide Support to State Institutions; and eleven to carry out Security Sector reforms.⁹ Most of these missions are mandated under Chapter VII, and most are authorised to use force using the formula 'all necessary means' or 'all necessary measures',¹⁰ which are euphemisms routinely used by the Security Council when discussing use of force.¹¹ This expansion of Chapter VII mandated peacekeeping activities to encompass law enforcement has not been matched by equivalent attention to the legal obligations and good practice standards that ought to be applied to operations that are not directed at parties to an armed conflict. The effects of this lag have been particularly noticeable in Haiti in relation to a number of key areas. The crisis in UN accountability triggered by the cholera epidemic has attracted worldwide attention and requires a change in approach – for Haiti and

DPKO's own report, *Second Generation Disarmament, Demobilization, and Reintegration Practices in UN Peacekeeping Operations* (New York: United Nations Department of Peacekeeping Operations, Office of Rule of Law and Security Institutions 2010), 67; A. Serafin, 'Urban Violence: War by Any Other Name' (2010) *The Magazine of the International Red Cross and Red Crescent Movement*, 1. www.redcross.int/EN/mag/magazine2010_1/20-23.html (accessed 25 April 2020); M. Schuberth 'A Transformation from Political to Criminal Violence? Politics, Organised Crime and the Shifting Functions of Haiti's Urban Armed Groups' (2015) 15 (2) *Conflict, Security & Development* 169, 176.

⁹ United Nations Security Council Field Missions Mandate Table, 30 June 2019 www.un.org/securitycouncil/file/122688 (accessed 25 April 2020).

¹⁰ Ibid.

¹¹ Y. Dinstein 'The Right to Humanitarian Assistance' (2000) 53 (4) *Naval War College Review* 77, 87; N. Blokker, 'Ch. 9 Outsourcing the Use of Force: Towards More Security Council Control of Authorized Operations?' in M. Weller (ed.) *The Oxford Handbook of the Use of force in International Law* (Oxford: Oxford University Press 2015), 210.

for the reputation of the UN. But there are also serious issues to be resolved with regard to the legal standards applicable to use of force (and accountability for breaches of those standards) and accountability for SEA.

This book will provide an in-depth analysis of MINUSTAH's role and the implementation of its mandate and how it addressed, or otherwise, the challenges it faced and difficulties it encountered. The analysis will be key for making suggestions for reform with a view to enhancing the perceived legitimacy both of the UN in Haiti and of future stabilisation missions. We adopt a thematic approach when analysing the challenges faced by the mission, looking at (1) the cholera crisis, (2) SEA by peacekeepers, and (3) the use of force by peacekeepers. Those case studies enable in-depth analysis of human rights abuses within peacekeeping operations and how to improve accountability for such harms.

1.2 PEACEKEEPING IN A CHANGING WORLD

Peacekeeping has evolved as an international practice, from 'traditional' peacekeeping to more intrusive peacebuilding and peace enforcement practices, which has in turn opened up a gap between the law applicable and the practice of peacekeeping on the ground. These interventions have also led to a wide array of 'unintended' negative consequences on the ground, including SEA of the most vulnerable and deaths and injuries to civilians as a result of use of force for purposes other than self-defence. For Michael Doyle, who acted as assistant UN Secretary General and special adviser to Ban Ki-moon, when an international organisation is 'something like a trustee', then it needs to follow the basic norms of human rights, such as those embodied in the Universal Declaration of Human Rights.¹² Hence, 'peacebuilders in temporary sovereign authority should regard human rights standards as normative: to be fostered where feasible and not to be violated without cause'.¹³

It is useful to underline that peacekeeping missions do not appear in the UN Charter. These missions were initially included in the Chapter VI of the UN Charter, pertaining to 'peaceful settlement of disputes'. In order to reflect this stretching of the original meaning of Chapter VI, the then Secretary General Dag Hammarskjöld famously coined the term 'Chapter six and a half'. The first missions have been described as 'traditional', 'classic', or 'straightforward',¹⁴ probably in reference to the three principles that the

¹² M. W. Doyle, *The Question of Intervention* (Ithaca: Yale University Press 2015), 161–162.

¹³ *Ibid.*, 162.

¹⁴ P. Wilkinson, 'Sharpening the Weapons of Peace: Peace Support Operations and Complex Emergencies' in O. Ramsbotham and T. Woodhouse (eds.) *Contemporary Conflict Resolution* (London: Frank Cass 2000), 63–64.

troops deployed on the ground were meant to observe in the course of their duty: impartiality, non-use of force, and respect of the consent of the parties. These three principles are in fact intertwined, making a coherent normative whole.

The first principle posits that the troops are generally not allowed to use force, except in self-defence and only as a last resort. Hammarskjöld himself provides a definition of the principle:

a reasonable definition seems to have been established in the case of UNEF [United Nations Emergency Force], where the rule is applied that men engaged in the operation may never take the initiative in the use of armed force, but are entitled to respond with force to an attack with arms, including attempts to make them withdraw from positions which they occupy under orders from the Commander, acting under the authority of the Assembly and within the scope of its resolutions.¹⁵

The second core principle, consent, derives from the parties' 'perceptions of the peacekeepers' impartiality and moral authority'.¹⁶ It basically refers to the agreement of a host government to a UN mission's presence. It was designed to protect the sovereignty of the host state, as well as reducing the risk to the peacekeepers. Finally, the third principle, impartiality, is for Shashi Tharoor, who acted as UN's Under-Secretary General, 'the oxygen of peacekeeping: the only way peacekeepers can work is by being trusted by both sides, being clear and transparent in their dealings, and keeping lines of communication open. The moment they lose this trust, the moment they are seen by one side as the "enemy", they become part of the problem they were sent to solve'.¹⁷ These principles are considered by many as the cornerstones of the implementation of successful peacekeeping missions.¹⁸

¹⁵ United Nations, *Report of the UN Secretary-General*, UN Doc. A/3943, 9 October 1958, para. 178. The Peacekeeper's handbook also reaffirms this principle, stating that 'the degree of force [used] must only be sufficient to achieve the mission on hand and to prevent, as far as possible, loss of human life and/or serious injury. Force should not be initiated, except possibly after continuous harassment when it becomes necessary to restore a situation so that the United Nations can fulfil its responsibilities'. International Peace Academy, *Peacekeeper's Handbook* (New York: Pergamon 1984), 56.

¹⁶ W. Durch, 'Introduction' in W. Durch (ed.) *The Evolution of UN Peacekeeping: Case Studies and Comparative Analyses* (New York: St. Martin's Press 1993), 12.

¹⁷ S. Tharoor 'Should UN Peacekeeping Go Back to Basics?' (1995–1996) 37 (4) *Survival* 58.

¹⁸ Olara Otunnu states that 'confusion between peacekeeping and enforcement action, including the tendency to slide from peacekeeping to enforcement action and then back again, has proved to be very dangerous [for the peacekeepers]'. O. Otunnu, 'The Peace-and-Security Agenda of the United Nations: From a Crossroads into the New Century' in O. Otunnu and M. Doyle (eds.) *Peacemaking and Peacekeeping for the New Century* (Lanham: Rowman & Littlefield 1998), 306. Marrack Goulding concurs, considering that 'creating this kind of grey area between peacekeeping and peace enforcement can give rise to considerable dangers. In

Thus, lightly armed, neutral troops serving the UN are symbolically deployed between belligerents and could be retracted in case of a breach of peace.¹⁹ The troops deployed in these missions are meant to defend a specific status quo – Peacekeeping in this sense is seen as a deterrent, in order to ‘placate and refrigerate the conflict environment to allow formal negotiations to take place’.²⁰

In contrast, peace enforcement or peacebuilding enters into a whole different category than ‘traditional’ peacekeeping. In fact, as its name suggests, peace enforcement implies operations that are meant to stop warring factions from sliding further into conflict. It has been defined as ‘military intervention to compel compliance with international sanctions or resolutions designed to maintain or restore international peace and security’.²¹ Peacebuilding missions ‘demand that the UN intervene directly in the internal affairs of States, redefining the relationship between the government and its citizens and, in many cases, supporting popular legitimacy over traditional claims of state sovereignty’.²²

political, legal and military terms, and in terms of the survival of one’s own troops, there is all the difference in the world between being deployed with the consent and cooperation of the parties to help them carry out an agreement they have reached and, on the other hand, being deployed without their consent and with powers to use force to compel them to accept the decisions of the Security Council’. M. Goulding ‘The Evolution of Peacekeeping’ (1993) 69 (3) *International Affairs* 461. See also Paul Diehl, who advocates a return to traditional peacekeeping operations after some measure of conflict resolution has been implemented by other actors: P. Diehl, *International Peacekeeping* (Baltimore: John Hopkins University Press 1993), 106. For a more recent version of that thesis, see: A. Sitkowski, *UN Peacekeeping: Myth and Reality* (London: Praeger Security International 2006).

¹⁹ This is what happened to the first UN peacekeeping mission where ‘blue helmets’ were deployed, the first United Nations Emergency Force (UNEF) in the Suez Canal (1956–1967). Egypt requested the mission to withdraw in 1967, which led to the Arab–Israeli War (six-day war).

²⁰ O. Richmond, *Maintaining Order, Making Peace* (Hampshire: Palgrave 2002), 44.

²¹ U.S. Office of the Secretary of Defence, *Report of the Bottom-Up Review* (Washington: Department of Defence October 1993) [quoted in T. Mays, *Historical Dictionary of Multinational Peacekeeping* (Lanham: The Scarecrow Press 2004), 121.]

²² E. Bertram, ‘Reinventing Governments: The Promise and Perils of United Nations Peace Building’ (1995) 39 (3) *Journal of Conflict Resolution* 392. The author defined peacebuilding missions as sharing most, if not all, of the following characteristics: (1) they deal with conflicts within rather than between States, (2) the host government is one of the parties to the conflict, (3) their aim is to develop and/or implement a political transition following or accompanying an end to military hostilities, and (4) a central component is the reform or establishment of basic state institutions. Out of the twenty-five UN peacekeeping operations undertaken between 1988 and 1995, twelve entailed peacebuilding in some measure according to the author. *Ibid.*, 389–394. See also Annex 6 and maps 3 and 4 for more details on the current peacekeeping missions. Boutros-Ghali defines post-conflict peacebuilding as ‘action to identify and support structures that will tend to strengthen and solidify peace in order to avoid a relapse into conflict’. An Agenda for Peace Preventive diplomacy, peacemaking and peacekeeping, Report of the Secretary General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, UN.Doc. A/47/277-S/2411 17 June 1992, paragraph II. 21; Kofi Annan defines it as ‘actions undertaken at the end of a conflict to

They tend to redefine the three traditional pillars of peacekeeping. In fact, these operations, implying the use of force, necessitate a Chapter VII Resolution.²³ Thus, the troops deployed under the UN umbrella are generally allowed to use less strict ROE, in order to be more reactive to the harsher conditions in which these missions are deployed. Moreover, consent is no longer a prerequisite for the setting up of the mission, although it may constitute a legitimising asset for the intervening power. As Kofi Annan wrote, such missions use a combination of ‘inducing consent’ and ‘coercive inducement’.²⁴ Contrary to the ‘traditional’ peacekeeping described earlier, peace enforcement and peacebuilding operations rest on a whole different understanding of sovereignty and intervention. For instance, Kofi Annan presented his ‘conditional sovereignty’²⁵ doctrine in a provocative address to the General Assembly in 1999, stating that

‘[S]tate sovereignty . . . is being redefined by the forces of globalization and international cooperation. The State is now widely understood to be the servant of its people, and not vice versa. . . . These parallel developments . . . demand of us a willingness to think anew – about how the UN responds to the political, human rights, and humanitarian crises affecting so much of the world’.²⁶

1.3 THE RISE OF THE UNINTENDED CONSEQUENCES AGENDA

It is increasingly clear to all observers now that peacekeeping operations can intensify social divisions on the ground by creating unbearable situations for certain segments of the population, thus going against the ‘do no harm’

consolidate peace and prevent the recurrence of armed confrontation. . . . Peace building may involve the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programmes, as well as creating conditions for resumed development’. United Nations, *Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa. Secretary General’s Report to the United Nations Security Council*, UN Doc. A/52/871 and S/1998/318, 16 April 1998.

²³ Chapter VII specifies actions the UN can take with respect to threats to peace, breaches of peace, and acts of aggression. The Security Council can identify aggressors (Articles 39 and 40), decide what enforcement measures should be taken (Articles 41, 42, 48, and 49), and call on members to make military forces available, subject to special agreements (Articles 43, 44, and 45).

²⁴ Kofi Annan ‘Peace Operations and the United Nations: Preparing for the Next Century’ (1997) *Conflict Resolution Monitor* 1, 28. www.brad.ac.uk/acad/confres/monitor/crm1.html#comment (accessed 25 April 2020).

²⁵ J. Traub, *The Best Intentions: Kofi Annan and the UN in the Era of American World Power* (London: Bloomsbury 2014) 93.

²⁶ United Nations, *Annual Report of the Secretary-General to the General Assembly*, UN Doc. SG/SM7136; GA/9596, 20 September 1999 [quoted in M. Karns and K. Mingst, *The United Nations in the 21st Century* (Boulder: Westview Press 2007), 125.]

principle.²⁷ The challenge for international peacekeepers in this context is ‘to figure out how to do the good they mean to do without inadvertently undermining local strengths’,²⁸ taking into account the unintended consequences of peacekeeping in the process. No one can deny that UN-led peacekeeping has made a positive contribution to the stabilisation and reconstruction of a number of war-torn countries and to broader peacebuilding objectives. However, in the context of peacekeeping interventions, certain consequences can be dire for the most vulnerable segments of local societies. Loose ROE by peacekeepers will affect some communities more than others. As it will be discussed in Chapter 7, the use of force by peacekeepers is not exempt of claims of politicisation, and poor communities will bear the brunt of the ‘collateral damages’ of clashes between belligerents. Peacekeepers who perpetrate SEA exacerbate the local culture of abuse of and violence against women and children, going against the normative agenda UN peacebuilding tries to promote. Finally, the presence of peacekeepers can bring about unintended consequences, such as bringing a disease to a country, or distorting local economies.²⁹

This new-found interest in unintended consequences of peacekeeping also mirrors international practice, with the mitigated legacy of past peacekeeping interventions leading to a new era of doubt in policy circles. After the certainties of the 1990s and the early 2000s, which operated following simple causation logics (‘intervention A’ responding to ‘problem B’ and leading to ‘outcome C’), interveners are now increasingly familiar with complexity theories and (sometimes instinctively) understand the full reach of possible unintended outcomes for each intervention (‘intervention A’ is meant to respond to ‘problem B’ but can lead to a multiple set of outcomes – from C to Z – as well as potentially creating new problems. As intervenors came to accept that all peacekeeping interventions entail unintended consequences, certain consequences came to have more prominence than others.

1.3.1 *Stabilisation and Robust Peacekeeping*

It has been suggested by some scholars that stabilisation as a concept entered the realm of peacekeeping with the establishment in January 1996 of the

²⁷ M. Anderson, *Do No Harm: How Aid Can Support Peace – Or War* (Boulder: Lynne Rienner 1999).

²⁸ *Ibid.*, 2.

²⁹ N. Lemay-Hébert and S. M. Murshed ‘Rentier Statebuilding in a Post-Conflict Economy: The Case of Kosovo’ (2016) 47 *Development and Change* 517; N. Lemay-Hébert et al., ‘The Internal Brain Drain: Foreign Aid, Hiring Practices, and International Migration’ (2020) 44 *Disasters* 621.

NATO Stabilisation Force for Bosnia and Herzegovina,³⁰ and that similar ambitions and practices later migrated to UN operations, for instance in Haiti in 2004. Others suggest that the contemporary focus and agenda of stabilisation evolved from the shared experience of France, the United Kingdom, and the United States in Afghanistan and in Iraq in the 2000s, with the doctrines and policies around stabilisation missions developed by these countries in these contexts later permeating the work of the UN operations in Mali (MINUSMA), Central African Republic (MINUSCA) and, of course, Haiti.³¹ This stabilisation agenda is in turn linked to the rise of the ‘social’ in counter-insurgency doctrines.³² The most well-known example of this is the human terrain system (HTS) programme of hiring anthropologists to serve with American military units as a mechanism to improve the image and effectiveness of intervenors.

There is a constant back and forth in the UN between more people-centred approaches, such as the one advocated in the 2015 High-Level Independent Panel on Peace Operations (HIPPO),³³ and more militaristic rhetoric. The recent Cruz Report, led by Lieutenant General Carlos Alberto dos Santos Cruz, Force Commander in the MINUSTAH between 2007 and 2009 is a good indication of the latter.³⁴ The report clearly indicates that ‘unfortunately, hostile forces do not understand a language other than force’ and that ‘missions should go where the threat is, in order to neutralise it’. The use of force by peacekeepers is still highly debated, especially regarding how applicable the

³⁰ R. Mac Ginty ‘Against Stabilisation’ (2012) 1 (1) *Stability: International Journal of Security & Development* 23; J. Karsrud ‘The UN at War: Examining the Consequences of Peace-Enforcement Mandates for the UN Peacekeeping Operations in the CAR, the DRC and Mali’ (2015) 36 (1) *Third World Quarterly* 42.

³¹ These countries are penholders on almost all of the resolutions related to UN peacekeeping missions. See: C. De Coning, ‘Is Stabilisation the New Normal? Implications of Stabilisation Mandates for the Use of Force in UN Peace Operations’ in P. Nadin (ed.) *Use of Force in UN Peacekeeping* (London: Routledge 2018), 85, 87, also available at: <https://cedricdeconing.net/2016/10/04/is-stabilisation-the-new-normal-implications-of-stabilisation-mandates-for-the-use-of-force-in-un-peace-operations/> (accessed 25 April 2020).

³² L. Wiuff Moe and M. Muller, ‘Introduction: Complexity, Resilience and the “Local Turn” in Counterinsurgency’ in L. Wiuff Moe and M. Muller (eds.) *Reconfiguring Intervention: Complexity, Resilience and the ‘Local Turn’ in Counterinsurgency Warfare* (Basingstoke: Palgrave 2017), 1–27.

³³ Report of the Independent High-Level Panel on Peace Operations, UN Doc. A/70/95/-S/2015/446, 17 June 2015 <https://peacekeeping.un.org/en/report-of-independent-high-level-panel-peace-operations> (accessed 26 April 2020).

³⁴ Lt. Gen. (Retired) C. A. dos Santos Cruz, Col. (Retired) W. R. Philips, and S. Cusimano, *Improving Security of United Nations Peacekeepers: We need to change the way we are doing business*, 19 December 2017 https://peacekeeping.un.org/sites/default/files/improving_security_of_united_nations_peacekeepers_report.pdf (accessed 26 April 2020).

international legal standards protecting the right to life are in a peacekeeping context.

1.3.2 *Sexual Exploitation and Abuse by Peacekeepers*

More than twenty years ago, UNICEF noted that in six out of twelve country studies on sexual exploitation of children in situations of armed conflict, the arrival of peacekeeping troops was associated with a rapid rise in child prostitution.³⁵ Systematic patterns of SEA have emerged around UN peacekeeping missions over the course of many years³⁶ and represent one of the key issues linked with the international peacekeepers' presence. Despite the numerous pledges to tackle these issues³⁷, peacekeeping is still struggling to effectively mitigate SEA by peacekeepers. The recent 'Code Blue' campaign, launched in 2015 and aimed at ending immunity for sexual violence by UN peacekeeping personnel by encouraging UN personnel to leak compromising documents, has further increased the pressure on the UN to take into account the impacts of its presence on vulnerable segments of the local population.³⁸

António Guterres personally promised to 'end impunity for those guilty of sexual exploitation and abuse' at a September meeting on peacekeepers' conduct. However, the legacy of past missions still cast their shadows on contemporary peacekeeping. The mothers of Haiti's 'peacekeeper babies' have filed the first legal action against both the UN and individual peacekeeping soldiers in paternity and child support claims.³⁹ That is after lawyers tried to obtain financial assistance for ten women who gave birth to children of departed peacekeepers say UN has ignored requests for information.⁴⁰ Sexual

³⁵ United Nations 'Promotion and Protection of the Rights of Children', UN Doc. A/51/306, 26 August 1996.

³⁶ C. Lutz, M. Gutmann, and K. Brown 'Conduct and Discipline in UN Peacekeeping Operations: Culture, Political Economy and Gender', Watson Institute Report submitted to the Conduct and Discipline Unit, Department of Peacekeeping Operations, United Nations, 2009.

³⁷ See for instance: United Nations, 'A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations', UN Doc. A/59/710, 24 March 2005.

³⁸ Paula Donovan, director of the Code Blue campaign, interviewed by N. Lemay-Hébert in P. Donovan 'JISB Interview: Immunity, Sexual Scandals and Peacekeeping' (2015) 9 (3) *Journal of Intervention and Statebuilding* 408–417.

³⁹ K. McVeigh, 'Haitian Mums Seek Support from UN Troops for Peacekeeper Babies', *The Guardian*, 15 December 2017, www.theguardian.com/global-development/2017/dec/15/peace-keeper-babies-mums-haiti-support-un-troops?CMP=share_btn_fb (accessed 26 April 2020).

⁴⁰ R. Ratcliffe, 'Haitian Mothers Claim UN Unresponsive Over Support for Peacekeeper Children', *The Guardian*, 21 April 2017, www.theguardian.com/global-development/2017/apr/21/haiti-mothers-claim-un-unresponsive-over-support-for-peacekeeper-children (accessed 26 April 2020).