

Contents

1	Introduction	1
1.1	MINUSTAH – A Reflection of Wider Issues with Peacekeeping	1
1.2	Peacekeeping in a Changing World	4
1.3	The Rise of the Unintended Consequences Agenda	7
1.3.1	Stabilisation and Robust Peacekeeping	8
1.3.2	Sexual Exploitation and Abuse by Peacekeepers	10
1.3.3	Cholera Outbreak	11
1.4	Structure of the Book	11
2	A Political History of UN Involvement in Haiti	13
2.1	Nature of the Haitian State: Beyond the Failed State Model	13
2.2	Shared Sovereignty: Between Fragile States and Interventions	16
2.3	Sovereignty in Practice	20
2.4	UN Involvement in Haiti	24
2.5	Conclusion: MINUJUSTH and Beyond	33
3	Integrating Human Rights Norms into UN Peacekeeping Practice	34
3.1	Introduction	34
3.2	Military Peacekeepers Are Members of National Armies	35
3.3	The Basis of United Nations’ Human Rights Law Obligations	40
3.4	Conclusion	46
4	UN Immunities and Human Rights	48
4.1	Introduction	48

4.2	Immunities	49
4.2.1	UN Immunity	49
4.2.2	Immunities of UN Personnel	51
4.3	A Victim-Centred Approach to Accountability	54
4.3.1	Criminal Justice	55
4.3.2	Truth and Reconciliation	57
4.3.3	Human Rights	60
4.3.4	Political Processes	64
4.4	Conclusion	65
5	The Cholera Epidemic: Unintended Consequences and Implications	66
5.1	Introduction	66
5.2	Cholera in Haiti: An Overview	67
5.3	Un-accountable: The Fight for Justice	72
5.3.1	The Legal Argument	75
5.4	How the Dispute Was (Not) Resolved by Politics	77
5.4.1	Public Awareness	78
5.4.2	UN Independent Experts on Human Rights	79
5.4.3	Birmingham Initiative	81
5.4.4	The Security Council	83
5.5	Conclusion	88
6	Sexual Exploitation and Abuse: Who Guards the Guardians?	89
6.1	Introduction	89
6.2	Sexual Exploitation and Abuse in Peacekeeping	90
6.3	Laws and Frameworks	94
6.3.1	Immunities and Jurisdictional Bars	94
6.3.2	Civilian Staff	95
6.3.3	Experts on Mission	97
6.3.4	Military Personnel	97
6.4	Investigations and Prosecutions	99
6.4.1	UN Internal Investigations	99
6.4.2	Troop-Contributing Countries' Investigations	102
6.5	Peacekeeper Sexual Exploitation and Abuse in Haiti	104
6.5.1	Children	107
6.5.2	Transactional Sex	109
6.5.3	'Consensual'/Survival Relationships	111
6.5.4	Children Fathered by Peacekeepers	113
6.6	Conclusion	115

<i>Contents</i>		vii
7	UN Peacekeepers’ Use of Deadly Force to Maintain Law and Order	116
7.1	Introduction	116
7.2	Stabilization and Use of Force against ‘Spoilers’	119
7.3	Right to Life Obligations of UN Peacekeeping Troops	123
7.4	‘Collateral Damage’ Caused by MINUSTAH in Cité Soleil the Years 2004–2007	126
7.5	Rules of Engagement for UN Peacekeepers	134
7.6	Conclusion	137
8	Conclusion	140
8.1	Introduction	140
8.2	Peacekeeping Expands to Protect Human Rights but Fails to Incorporate IHRL Standards into Its Practice	141
8.3	Conclusion	145
	<i>Index</i>	147