

On the Margins of Justice

**Accountability in an Emergent Victim-Centred Approach to Sexual Exploitation
and Sexual Abuse Perpetrated by UN Peacekeepers and Related Personnel, 1992-
2021**

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The candidate confirms that the work submitted is her own and that appropriate credit has been given where reference has been made to the work of others.

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Abstract

Feminist international relations and legal scholarship tend to view accountability from a legal perspective, but accountability can mean more than liability. Accountability is also a political matter and a power relation. The concept of accountability has received little engagement in the scholarship and there is only nascent research on victim-centred approaches. I bring in the accountability literature from public administration to explore the changes that have emerged in the UN's approach to accountability following the adoption of the victim-centred approach in 2017. Drawing on the concepts of legitimacy, integrity and transparency and adapting Nancy Fraser's theory of justice, I conduct frame analysis of 215 documents produced by the UN between 1992 and 2021, interviews and quantitative analysis of the UN's database of allegations to determine how the accountability has been framed and how relationships with victims have been constituted over time. I find that the victim-centred approach is an emergent aspect of the accountability space on sexual exploitation and sexual abuse. Discursively it suggests a reframing of accountability relationships, but in practice it sustains inequalities and marginalises victims. I argue that the victim-centred approach should constitute relationships with victims in which victims and survivors are subjects of answerability in accountability relationships. These findings make an empirical contribution to understanding the status of integrity systems in field missions. It also makes an analytical contribution to studies on victim-centred approaches by offering a framework for analysing the emergence of these accountability agendas that are increasingly adopted by governance institutions. This research demonstrates that the accountability relationships constituted in these approaches are key to critical engagement with the normative implications of victim-centred approaches to sexual and gender-based violence that are increasingly gaining popularity among international and non-governmental organisations and transitional justice processes.

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Abbreviations

AAP: Accountability to Affected Populations

ACABQ: Advisory Committee on Administrative and Budgetary Questions

ALNAP: Active Learning Network for Accountability and Performance

CAR: Central African Republic

CBCM: Community-based complaints mechanisms

CDT: Conduct and Discipline Team

CDU: Conduct and Discipline Unit

CEB: Chief Executive's Board

DFS: Department of Field Support

DMSPC: Department of Management Strategy, Policy and Compliance

DPA: Department of Political Affairs

DPKO: Department of Peacekeeping Operations

DPO: Department of Peace Operations

DPPA: Department of Political and Peacebuilding Affairs

DRC: Democratic Republic of Congo

ECHA: Executive Committee on Humanitarian Affairs

ECPS: Executive Committee on Peace and Security

IASC: Interagency Standing Committee

IAWJ: International Association of Women Judges

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

MINUSTAH: United Nations Stabilization Mission in Haiti

MONUC: United Nations Mission in the Democratic Republic of Congo

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

NGO: Non-governmental organisation

NIO: National Investigating Officer

OASEA: Office of Addressing Sexual Exploitation and Abuse

ODI: Overseas Development Institute

OHCHR: Office of the High Commissioner for Human Rights

OIOS: Office of Internal Oversight Services

OVRA: Office of the Victims' Rights Advocate

PSEA: Protection from sexual exploitation and sexual abuse

QIP: Quick Impact Projects

SEA: Sexual exploitation and sexual abuse

SEAH: Sexual exploitation, sexual abuse, and sexual harassment

UN: United Nations

UNMIL: UN Mission in Liberia

UN-SWAP: United Nations system-wide action plan on gender equality and women's empowerment

VRA: Victims' Rights Advocate

WPS: Women, Peace and Security

Introduction

The UN has granted increased attention to the sexual behaviours of United Nations personnel since civil society actors raised concerns of sexual abuse involving UN peacekeepers in a newspaper article in Cambodia in 1992 (Phnom Penh Post, 1992). A policy agenda eventually formed around the problem commonly known as sexual exploitation and sexual abuse following allegations of widespread sexual exploitation of refugee children in West Africa in 2002 (UN General Assembly, 2003a). More recently, following a public scandal in the Central African Republic (Laville, 2015), the concerns of the policy agenda have been framed in terms of concerns with the victims and survivors of sexual exploitation and sexual abuse perpetrated by UN personnel.

In 2015 a public scandal involving allegations of sexual abuse of six young boys by French peacekeepers in the Central African Republic revealed the UN's gross institutional failure to manage and respond to the problem (Deschamps et al., 2015). When news of the UN's failures to appropriately handle the allegations hit international headlines (Laville, 2015), increased accountability demands were placed on the UN (AIDS Free World, 2015; Mariner, 2015; Morland, 2016; Larson and Dodds, 2017). The UN commissioned an external panel review that increased accountability demands and included the recommendation for the adoption of a victim-centred approach to sexual exploitation and sexual abuse in a human rights policy framework (Deschamps et al., 2015, pp.iii–v). By 2016 UN Secretary General Ban Ki-Moon announced intentions to advance victim-centred response initiatives (UN Secretary-General, 2016a, para. 6), and in 2017 the newly appointed Secretary General António Guterres announced a *new* approach to addressing sexual exploitation and abuse that includes putting victims first (UN Secretary-General, 2017). This frame signals accountability reforms for how accountability for sexual exploitation and sexual abuse is understood. The next section will outline key terms linked to the study that are key to understanding the definition of victims.

0.1 Sexual exploitation, sexual abuse, sexual harassment, and paternity claimants

According to the UN, sexual exploitation refers to “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” (UN Secretariat, 2003). Sexual abuse is “the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions” (UN Secretariat, 2003), which includes rape, sexual assault, and sex with a minor. The problem of peacekeeper sexual behaviour is commonly referred to as sexual exploitation and sexual abuse (SEA). Further, the new approach included the incorporation of the term sexual harassment in the victim-centred policy agenda from 2018 (UN Secretary-General, 2019b). Sexual harassment is

defined by the UN as forms of sexual exploitation, sexual abuse and unwelcome sexual advances or sexual requests occurring among employees (UN Secretary-General, 2008b, para. 1.3).

Broadly, sexual exploitation and sexual abuse refer to victims/survivors who are 'beneficiaries' of UN services or where they are deemed vulnerable community members, while sexual harassment refers to conduct where victims and survivors are UN personnel (UN Women, 2020, p.5). The focus of this study is on victims and survivors who are members of host communities in peacekeeping operations. I touch somewhat on internal staff cases of sexual harassment, but do not prioritise a focus on these victims and survivors. I use the term victims and survivors of sexual exploitation and sexual abuse to recognise both the harm perpetrated against victims to recognise the agency of survivors of sexual misconduct, including criminal misconduct. I use the term paternity claimants to refer to mothers of children fathered by peacekeepers, in which the sexual relationships may have resulted from sexual exploitation, sexual abuse or consensual relationships (Henry, 2013; Simić and O'Brien, 2014). At times I refer the word 'victims and survivors' for simplicity, but this term includes victims of abuse of power through failures to fulfil paternity obligations. I will try to avoid using the term SEA where possible, and instead will refer to it as abuse of power, or sexual exploitation, sexual abuse and sexual violence where appropriate.

The perpetrators involve UN uniformed peacekeepers that include police and military contributed by member states and civilian peacekeeping personnel who are employees of the United Nations. Other personnel can include "consultants, individual contractors, personnel of partner organizations, experts on mission" who are employees of or are contracted out to the UN (UN General Assembly, 2007a, para. 5.f, g). For the sake of simplicity, where possible, I will use the term perpetrators.

The next section will discuss the concept of a victim-centred approach from the few existing studies from feminist international relations scholarship.

0.2 A victim-centred approach

The concept victim-centred emerged largely in legal discourse in response to the adversarial and intrusive experiences for victim in formal judicial processes which seek to hold perpetrators to account (Goodey, 2005; Boesten and Wilding, 2015). But it is also connected to transitional justice processes as a principle of restorative justice, or a form of justice that broadly seeks to 'repair' the harm done to victims (Burgess et al., 2009). The transitional justice scholarship has identified problems with the production of victims in the transitional justice industry (Madlingozi, 2010) and how the political construction and hierarchies of victimhood that can lead to co-option, instrumentalization and silencing of some victims' voices in transitional justice processes (Lawther, 2021). Others add that elite-

driven processes that claim to represent victims tend to ignore victims needs and wishes, which reinforce systems at the root of victimhood to begin with (McEvoy and McGregor, 2008; Gready and Robins, 2014; Robins, 2017). For Robins (2017), victim-centred approaches to transitional justice processes are exercised as legitimising discourses and activities of neoliberal governance. Some scholarship identifies the need to look for alternative understandings of justice, and who is involved in designing and who is represented in victim-centred transitional justice processes. For them, these questions shed light on the underlying power structures reproduced and imbricated in granting meaning to victim-centred approaches (Jones et al., 2013). Some have also argued that victim-centred transitional processes should prioritise meaningful participatory processes built on a primary understanding of victims as survivors with agency (de Waardt and Weber, 2019). Survivor-centred approaches are offered as an alternative to victim-centred approaches, as the term survivor acknowledges the resistance, coping strategies and agency of those who have been victimised (hooks, 2000; Kelly, 1998).

Some transitional justice scholarship has foregrounded the transformative potential of victim-centred approaches. Taking the perspective that criminal justice can play a role in advancing transformative gender justice, Jelke Boesten's (2014) research on criminal trials for conflict-related sexual violence in Guatemala and Peru finds that victim-centred approaches to criminal accountability processes can promote transformative aims where they are attentive to the perspectives of victims/survivors, the local context and the political will of domestic courts, but warns that criminal accountability alone is not sufficient for transformation (Boesten, 2014, p.499). Others have identified the transformative potential of communities within which victims and survivors are embedded, who can challenge the continuum of gender-based violence by reproducing structural inequalities at the root of multiple forms of violence, including sexual exploitation and sexual abuse (Higate, 2004; Anderlini, 2011; Allais, 2011; Boesten, 2014; Clark, 2021). However, more research is needed to understand what works in terms of promoting such transformation in peacekeeping missions (Smidt, 2020).

The very limited scholarship on a victim-centred approach to sexual exploitation and sexual abuse in peacekeeping tends to view the new strategy positively in terms of what it could entail. Legal scholar Rosa Freedman (2018) offers options for how a victim-centred approach could be applied in cases of criminal accountability in a human rights framework. Taking a particularly optimistic view, Jayden van Leeuwen (2019) defines the new approach as new form of accountability that can help fill the legal accountability gap. This new accountability involves non-legal forms of accountability, which the author describes as the knowledge that perpetrators have faced consequences for their actions and acknowledgement of the plight and rights of victims (Van Leeuwen, 2019). Van Leeuwen's analysis tends to take a paternalist view of victims as passive receivers of services and tends to make assumptions regarding

justice and accountability needs and the author also does not take a critical view of the new initiatives nor the new post of the Victims' Rights Advocate.

Westendorf (2018) suggests that the victim-centred approach constitutes a policy innovation, particularly by its explicit connection to the Women Peace and Security Agenda through its reference to gender equality as at the root of sexual exploitation and abuse and in its ambitions to increase the number of women in UN peacekeeping to help address the problem. But Westendorf (2017) adds that this connection should more robustly link accountability processes in a victim-centred and human rights-based approach to conflict-related sexual violence frameworks within the Women Peace and Security Agenda, particularly to address the practical, political and legal challenges" to criminal accountability of perpetrators (Westendorf, 2017, p.12). However, not all forms of sexual exploitation and sexual abuse amount to criminal acts, which leaves several categories of victims, survivors and paternity claimants outside of view.

This scholarship identifies the positive roles victim and survivor-centred approaches could play in criminal accountability and suggests that the concept could broaden beyond liability approaches. There are broader understandings of accountability beyond liability, particularly in global governance institutions like the UN, which the next section will discuss.

0.3 Accountability is more than liability

Accountability for sexual exploitation and sexual abuse is often assumed in the feminist international relations and legal literature as a matter of holding individual perpetrators to account for sexual misconduct, including criminal misconduct. This is a critically important aspect of addressing impunity for the behaviours of peacekeeping personnel and promoting justice. Legal accountability is especially complicated by the immunities afforded to UN personnel and the complex transnational legal landscape characterised by overlapping national and international law (Quénivet, 2007). Scholars writing on accountability of perpetrators together identify a problem with the mapping of the legal space within which justice and accountability claims can be pursued to hold perpetrators to account (Sweetser, 2008; Wills, 2013; Deen-Racsmány, 2015; Freedman, 2018). But holding individual perpetrators accountable is not the sole meaning of, nor approach to, accountability. Accountability and liability do intersect, as law is a source of legitimacy for accountability where it defines the standards to which a power wielder can be held to (Grant and Keohane, 2005, pg.35). But accountability is also a question of the mapping of the political space to constrain power and constitute accountability relationships. Accountability is a broader phenomenon than a legal approach and its shape in governance is largely dependent on how political actors understand their responsibilities and define those to whom they are responsible. The new victim-centred approach suggests a rethinking of this political space and the constitution of accountability relationships with victims.

The United Nations (UN) has been increasingly concerned with what accountability entails for the organisation since peacekeeping dramatically expanded in terms of scale and scope the 1990s. The rising complexity and numbers of people involved in the UNs work accompanied an increase in concerns with the behaviours of personnel. Evidence of corruption, criminality, and sexual misconduct led to political attention to the UN's accountability responsibilities (see Joint Inspection Unit, 1993; UN Secretary-General, 2000; Advisory Committee on Administrative and Budgetary Questions, 2008). UN peacekeeping has undergone a series of reforms since the 1990s. Reforms themselves are related to accountability (Dubnick and Yang, 2011) and can be motivated by accountability demands (Dubnick, 2011; Olsen, 2015). However, reforms are often characterised by disagreements regarding “what constitutes improvement and for whose benefit improvements are made” (Christensen and Lægreid, 2015, p.212).

The challenge for addressing accountability in UN peacekeeping is that there are multiple sites of governance, multiple governments involved, and multiple possible subjects due an answer. This complex context contributes to the idea that there is an accountability gap for addressing SEA (Wills, 2013; Boon, 2015; Burke, 2016; Westendorf, 2017; Le Moli, 2017; Mudgway, 2017; Van Leeuwen, 2019). The UN does not assume liability for SEA, but it does engage in a wider array of other accountability activities by establishing and monitoring a policy agenda on the problem.

The accountability scholarship identifies the need to evaluate the emergence of accountability agendas in global governance in order to better understand how governance actors interpret their accountability responsibilities, constitute accountability relationships and bring meaning to accountability (Barnett and Duvall, 2004; Yang, 2012; Koppell, 2014; Rached, 2016; Huberts, 2018). The notion of a victim-centred approach is itself emergent and is situated within a governance and policy agenda on accountability through UN peacekeeping. But the meaning and practice of a victim-centred approach is poorly understood, under-researched and under-theorised. There is very little scholarship that evaluates the emergence of victim and survivor-centred frames and their implications for approaches in accountability arrangements. This challenge of multiple meanings of accountability and justice are emerging as questions regarding the recently rising popularity of victim and survivor-centred approaches to sexual and gender-based violence. As stated in 2022 by Jane Connors, the Victims' Rights Advocate appointed by Guterres to promote a victim-centred approach, “I think we really need to have a common definition of what is a victim/survivor-centred approach, as it's a relatively new concept” (CHS Alliance, 2022, p.33).

This thesis is primarily concerned with exploring what a new approach changes in the UN's understanding of and approach to accountability for the problem of abuse of power for sexual purposes by international interveners affiliated with UN peacekeeping missions. The questions guiding this research are:

How has the UN conceived of accountability in its sexual exploitation and abuse policy agenda between 1992 and 2021?

And, what changes, if any, have emerged in the UN's conception of accountability since the 2017 adoption of a 'new' victim-centred approach?

The use of the term victim immediately activates concerns with justice. The act of labelling someone as a victim is an acknowledgement that some injustice has been perpetrated against them. Theoretically this research is concerned with the discursive frame within which a victim-centred approach is articulated and pursued, which draws boundaries around the political space within which shared meanings of accountability, justice, and 'victim-centred' structure policy discourse, constitute accountability relationships and inform actions that can be taken (Fraser, 2008b; Ackerly and True, 2010; Fraser, 2010). Viewing documentation produced by the United Nations on sexual exploitation and sexual abuse as an archive of knowledge production and a form of productive power, this research prioritises text produced by the UN on the problem beginning with 1992 when early public awareness of peacekeeper's sexual behaviours in Cambodia emerged and extending to the end of 2021, constituting nearly five years following the adoption of the new approach. Drawing on Nancy Fraser's (1995; 2008b; 2008c; 2010) theory of justice as an analytical lens, empirically it traces the dominant frames within which the accountability agenda emerged and how victims are discursively constituted in accountability relationships.

Feminist international relations studies have examined the structural basis of and legal barriers to addressing sexual exploitation and sexual abuse in UN peacekeeping, but *there has not been a study which assesses the emergence of a victim-centred approach in this field, nor theorising on the implications for how the United Nations as a global governance actor understands accountability for their actions and those acting under their remit*. We are beginning to see the importance of understandings of a victim-centred approach as a component of accountability raised in contemporary high-profile discussions. The recently adopted WPS agenda Security Council Resolution 2467 (UN Security Council, 2019), advances the need for a survivor-centred approach to conflict-related sexual violence. However, there is little available data on the implementation of victim and survivor-centred approaches in post conflict contexts (Clark, 2021). Further, in February 2022 (which is outside the time period for the scope of the study), for the first time, the annual report of the UN Secretary-General on *Special Measures for Protection from Sexual Exploitation and Abuse* acknowledges the idea of accountability to victims and communities (UN Secretary-General, 2022, para. 44). The form of accountability presented in this report is largely procedural as a matter of holding individual perpetrators accountable for their sexual behaviours.

This acknowledgement that those affected by abuse of power by UN peacekeepers and related personnel should be *accounted to* reflects the core argument of this thesis: that UN peacekeeping actors should constitute accountability relationships that situate victims,

survivors, paternity claimants as core subjects of answerability in accountability relationships in the victim-centred approach. The form of accountability indicated in this report is the main contention of this thesis: that UN peacekeeping has problematically framed accountability largely as a means for promoting the idea of the UN as an organisation with integrity rather than as a normative end that promotes respect for human rights and justice and accountability outcomes for victims, survivors and paternity claimants, including in a victim-centred approach.

The victim-centred approach, however, is an emergent feature of the UN's accountability space on sexual exploitation and sexual abuse. It suggests a reframing of accountability relationships between UN institutional actors and victims, but in practice it narrowly construes accountability relationships with victims. Accountability processes have largely been understood in as a set of technical instruments leading to the promise of certain outcomes with little prioritisation of victims' access to accountability and actual outcomes for victims. Victims, survivors, and paternity claimants are constituted in accountability relationships on the margins of justice, rather than within justice deliberations on what accountability in a new approach could be. Just accountability in a victim-centred approach, at the very least, constitute a relationship of answerability between UN peacekeeping institutional actors and victims, survivors, and paternity claimants.

This study contributes scholarly insights on accountability in global governance institutions and the emergent victim and survivor-centred approaches to sexual and gender-based violence in this area. By bringing in insights from the public administration literature on accountability, particularly the concept of an integrity system, I clarify and analyse the specific governance tools deployed in the accountability agenda and the role it plays in the production of meaning of accountability for the UN. Empirically this research makes a contribution to understanding the status of specific accountability practices affecting victims, namely integrity systems in field missions. It also makes an analytical contribution to studies on victim and survivor centred approaches by offering a framework for analysing the emergence of these accountability agendas in terms of accountability relationships.

The next two sections provide an overview of the literature on sexual exploitation and sexual abuse in UN peacekeeping. The scholarship on sexual exploitation and sexual abuse in UN peacekeeping largely derive from feminist international relations and feminist legal studies. Together these bodies of work identify why sexual exploitation and sexual abuse occurs, the challenges with preventing it, and gaps in holding individual perpetrators to account. The scholarship tends to take feminist and postcolonial approaches and methods largely the impacts and regulation of sexual interactions with UN personnel on gendered and colonial power relations. The core debates in the scholarship pertain to the reasons perpetrators commit abuses and the ways to address legal accountability deficits.

0.4 Literature review

The feminist international relations literature emphasises gendered structural issues of status subordination along intersectional axes and the political economy of peacekeeping as drivers and barriers to preventing sexual exploitation and sexual abuse. Gendered structural inequalities are understood widely as at the root of certain forms of violence, including sexual and gender-based violence (Leatherman, 2011) and sexual exploitation and sexual abuse (Higate and Henry, 2004; True, 2014; Simić, 2016). These bodies of work have contributed to understanding the root causes of the abuse and issues with the UN's regulatory response to the problem. There is wide agreement that structural inequalities, especially in gendered peacekeeping economies, are drivers of sexual exploitation and sexual abuse. This body of work offers critical insight into the social, economic and political structures that drive and underpin the problem and create challenges for understanding the context within which consent for engagement in sexual relations with international personnel can be understood.

Challenging the idea that peacekeeping missions enhance security of host populations, Sandra Whitworth's (2004) seminal book *Men, Militarism and UN Peacekeeping* advances the idea that militarisation in UN peacekeeping cultivates militarised masculinities that can increase insecurities among host populations. Militarised masculinities refer to the idealisation of certain forms of masculinity associated with nationalism and military service that may also idealise women and girls as submissive feminine figures (Enloe, 2002; Eichler, 2014). Gina Heathcote argues that peacekeeping is based on the victim-rescuer model, in which militarised masculinities deploy in a militarized environment as protector-heroes over a population of mostly women and children, reinforcing traditional masculinist views of security and justifying militarization to 'save women' (Heathcote, 2011, p.3). For the author, this model the idealisation of militarised masculinities supports devalorisation of women and femininities. But others warn that the concept of militarised masculinities fails to account for the dynamic nature of masculinities, and indeed for failing to explain military men or men in a militarised environment who do not perpetrate abuses and women who do (Higate and Henry, 2004; Higate, 2007).

Gender is not the only category of analysis that influences certain norms and beliefs. The politics of race, colonialism and imperialism has been expressed by other scholars in this area. They emphasise the important context of historical power relations that endure in missions and promote militarisation bound in nationalist ideologies that reproduce gender and racial violence (Whitworth, 1998; Agathangelou and Ling, 2003; Whitworth, 2004; Razack, 2004). These are problems of sexism, racism, misogyny, and colonial attitudes that for Marsha Henry (2013) reinforce notions of superiority of interveners and inferiority of the host population. Henry (2013) in particular argues that the dominant focus of gendered power relations in peacekeeping neglects to consider historical and other structural power relations at the root of sexual exploitation and abuse.

Lastly, a swathe of scholarship identifies how structural issues of gender, race and other categories of identity intersect with class to produce inequalities and vulnerabilities in peacekeeping economies. Peacekeeping economies refer to “the massive transformation—social, economic, political, logistical and terms of the scale of external resources---that gets under way in a host society once the UN Security Council mandates a peacekeeping operations, which in turn provides the security and (often) logistical support necessary for other international actors to establish or expand their presence” (Jennings, 2014, pg.315). While peacekeeping economies are generally seen as beneficial to the host population, these economies create opportunities for those in the host country with the most resources and power, which tends to be male dominated, and which includes those who may have profited from war itself (Jennings, 2014). The gendered division of labour in these economies means that women especially tend to work in precarious circumstances, through domestic work with peacekeepers, care economies, and sex work (Jennings, 2014; True, 2019). The economic challenges for survival in a post-conflict context may lead some members of the host population, especially women, to pursue precarious economic activities, including transactional sex, and to be the target of sexual abuse.

The nexus of structural conditions producing inequalities in a peacekeeping context are at the of core debates regarding how to regulate sexual interactions with peacekeeping personnel and the extent to which consent could be said to be mutually obtained. Several scholars argue that existing abolitionist approaches to regulating all sexual interactions between international personnel and host populations problematically reinforce gendered and raced ideas about local people, particularly local women (Otto, 2007; Ndulo, 2009; Kanetake, 2010), and others advocate for special attention to the concept of survival sex (Mudgway, 2017). Attention to peacekeeper gender training and women in peacekeeping has been one way that scholarship has engaged with these tensions (Karim and Beardsley, 2015; Laplonge, 2015; Carson, 2016; Wilén, 2020). Finding a balance between acknowledging the agency of local people and considering the role of power structures in mediating that agency is an ongoing challenge in this area of work. There is generally agreement that abolitionist approaches do not capture the complexity of conditions within which agency can be articulated, and further clarification of legal concepts surrounding what constitutes sexual exploitation and sexual abuse should be explored (McGill, 2014; Freedman, 2018).

Others have more recently become interested in the impact of SEA on peacekeeping outcomes and community perceptions of peacekeepers. Westendorf (2020) finds that SEA impacts mission outcomes, which undermines UN peacekeeping’s legitimacy and moral authority. For those who have examined community experiences and perceptions of peacekeepers, they have identified the nuanced and varying views of sexual interactions but emphasize the gross power inequalities between peacekeepers and the experiences of deprivation driving sexual interactions and characterising the situation of mothers raising of

children fathered by peacekeepers (Lee and Bartels, 2020; King et al., 2020). These studies indicate poor perceptions of the UN's approach to accountability for the problem.

Accountability of perpetrators themselves is another area of engagement in feminist legal scholarship. The legal scholarship emphasizes the jurisdictional accountability gap that stems from the immunities granted to UN personnel (Sweetser, 2008; Odello, 2010; Deen-Racsmány, 2011; Wills, 2013; Boon, 2015; Burke, 2016; Grover, 2018; Freedman, 2018; Ferstman, 2020) and offer suggestions for how to shift and develop the legal framework within which criminal accountability of perpetrators is pursued. Not all types of SEA may constitute a crime in the host state or the troop-contributing state, as for instance there may be different laws surrounding prostitution or the age of consent for sex, meaning there may be two sets of rules for addressing SEA applicable to peacekeeping missions (Quénivet, 2007, pg.667; Ndulo, 2009). Further, not all forms of sexual exploitation and abuse activate legal responses. There are a range of behaviours associated with perpetrators, not all of which amount to criminal acts that can be pursued in criminal proceedings (Westendorf and Searle, 2017). But the legal scholarship has largely focused on criminal accountability.

Legal scholars have proposed the possibility of how the application of international humanitarian law (Ndulo, 2009; O'Brien, 2011; Burke, 2014), the International Criminal Court (Ndulo, 2009; Burke, 2014) could apply to prosecution of perpetrators. Another problem is that certain forms of sexual exploitation and sexual abuse are not necessarily violations of international law and there is no one legal framework to cover UN peacekeeping personnel (Odello, 2010). Instead, sexual exploitation and sexual abuse is generally treated as individualised cases of misconduct (e.g., as disciplinary issues) or in more serious cases, as gross misconduct for violations of international human rights norms (UN Secretariat, 2003). More recent engagements have included legal options for how victims could sue the United Nations (Ferstman, 2017) and other alternatives for how the UN could be held legally accountable (Chang, 2016; Le Moli, 2017). A few other scholars have focused on the onus of responsibility of the UN for accountability in this area (Mégret, 2007), particularly their responsibility for improving prevention strategies (Gunnarsson, 2015), but there has not been consideration of how the UN itself views its accountability responsibilities beyond a legal perspective.

The scholarship identifies a “gap between rhetoric and reaction” in accountability and response mechanisms for sexual exploitation and abuse (Kent, 2007, p.63) and argue the response has largely been a reaction to reputational threats (Kanetake, 2010; Smith, 2017). Legal scholar Rosa Freedman (2018) adds that scholarly “attention to the development of an accountability framework for UN peacekeeping is critical” (p.987). But the idea of accountability for SEA in UN peacekeeping is often taken-for granted and assumed in the feminist legal literature as a matter of holding individual perpetrators to account for their behaviour. This is a critically important aspect of addressing impunity for the behaviours of peacekeeping personnel, but it is not the sole meaning of nor approach to accountability.

Accountability is a political question and a power relation distinct from purely legal questions of liability.

Drawing on the accountability scholarship from public administration and international relations, the next section discusses the varying views on how to evaluate accountability in global governance. Some call attention to the motivations for accountability and others to the specific practices. Scholars seeking to understand emergent aspects of accountability call for attention to both the means and ends of accountability but centralise the importance of attention to accountability relationships. The key debate in this literature is the extent to which research which calls for more accountability is productive or harmful for governance institutions, who are themselves in disagreement regarding their accountability responsibilities.

0.5 Accountability in global governance

The study of accountability is a primary focus of the small body of literature in the field of public administration, which is concerned with the administration of public services and the implementation of policy in government and governance. But accountability studies cross multiple disciplines, including accounting, business ethics, social psychology, organizational management, political science, and international relations. Accountability is a rather messy concept, practice and process involving potentially multiple norms, constraints and sets of actors situated diversely in relations of power and the study of accountability is concerned with the many different ways that power and inequality intersect and interact with each other in relationships. Across the multidisciplinary accountability scholarship, accountability is understood both as a means of providing answers for misuse of power and as relation of power between power wielders and constrainters of that power (Bovens et al., 2014, p.6).

The basic conditions of accountability are that some entity should be held accountable to some other(s) for some defined act or behaviour requiring constraints on power, that some set of actions should take place to constrain power, and that the end result of the actions is some form of an answer for the actions or behaviour that required constraints on power. Beyond these basic conditions, accountability is conceptualised diversely among different disciplines according to who is accountable to whom, for what behaviour requiring constraints on power, and how they should be answered to by the agent responsible for responding (Scholte, 2011, pg.16).

Global governance generates ambiguities in authority and political responsibility in humanity's affairs amidst an evolving "complex patchwork of overlapping jurisdictions" (Held and McGrew, 2002, p.10). These ambiguities in responsibility and overlapping national and international law are core to the legal and political problem of accountability for sexual exploitation and sexual abuse in UN peacekeeping that lead to claims of governance gaps. In

world politics holding international organizations accountable, restraining their behaviour and instilling penalties is politically and practically complicated.

The literature on accountability in global governance institutions is divided in terms of where analytical attention should be directed. Some argue that the focus should be on the means or processes of accountability, and others call for a focus on its ends, or its goals, principles, or values. In practice accountability in governance involves the establishment of, monitoring and advancement of norms and standards of behaviour and expectations for redressing violations of norms and standards (Buchanan and Keohane, 2006; Weiss and Thakur, 2010). These are practices take place through accountability mechanisms, which constitutes the means or frameworks and activities within which accountability is pursued (Ebrahim, 2003). Dubnick and Yang (2011) view accountability both as a medium and outcome of action and call for critical attention to the role of accountability as a set of institutional functions grounded in specific structural contexts and historical circumstances (p.170). The authors warn of the way in which accountability is approached as an ‘icon of good governance’, pointing to how the effectiveness of specific accountability mechanisms are embedded in assumptions rather than empirical realities (Dubnick and Yang, 2011, p.179). For them, analytical attention to specific accountability mechanisms is key to understanding the purposes of accountability as defined by institutions.

Some have argued for analytical attention to the frame of accountability in order to identify its ends, or values. The frame refers to the political boundaries within which accountability is made intelligible. These bodies of work investigate how norms and principles of legitimacy, integrity and transparency shape accountability logics and practices (Ebrahim, 2009; Dubnick and Yang, 2011; van Hulst and Yanow, 2016). Legitimacy, integrity, and transparency broadly refer to the rule making authority of governance actors (Buchanan and Keohane, 2006; Weiss and Thakur, 2010), the rules, norms, standards and processes for addressing abuse of power as a mode of promoting good governance (Evans, 2012; Huberts, 2018), and the visibility of the performance of global governance actors in meeting certain standards established through rules (Buchanan and Keohane, 2006; Koppell, 2014). In a similar vein, Legal scholar Ginevra Le Moli (2017) has indicated that the study of UN accountability should also include attention to principles of accountability, “namely transparency and a culture of accountability” (p.231). But Ebrahim (2009) warns that a focus on normative aspects of accountability fails to consider role of social regimes of accountability in reproducing inequalities. For him this is a question of the difference between discourse and practice of accountability, which is a key aspect of identifying accountability deficits.

Others critique the over-emphasis on identifying accountability gaps and calling for reforms without clearly actionable knowledge, arguing it diffuses elite ideas that have consequences for public trust and governance (Flinders, 2011; Yang, 2012). Matthew Flinders locates researchers “*within* the analytical construct of a social ‘accountability space’” (Flinders, 2014, p.662 italicised in original) and suggests that the replication of ideas that more accountability

is needed work to undermine governance. One of the main ways that academia reproduces the idea of an accountability gap is through evaluating and viewing accountability relationships in governance in terms of democratic participatory models, which, for him, are a matter for government, not the complexity of governance in which there is not a clear distinction between the polity and the power wielder. Flinders proposes to seek to increase trust in governance and reduce demands for accountability. Instead, the academy should focus their efforts on managing expectations through public education on the complexities of governance (Flinders, 2014, p.664). But Flinders assessment fails to consider the operation and effects of power relations in accountability arrangements.

Another strand of research proposes that global governance institutions should be evaluated according to ideas about the right kind of accountability, how the accountability space itself is understood, and especially how accountability relationships are constituted in terms of power. Melvin J. Dubnick (2011) views accountability not as a fixed idea, but as social space of interaction of malleable relationships in which pushback, disruption and alterations are made. Critique and analytical attention should instead be granted to changes in accountability relationships that accompany increased demands and subsequent reforms (Dubnick, 2011). Accountability relationships refer to how subjects of accountability, the power wielder expected to give an answer and the subject they are answering to. The notion of answerability is often used to characterise accountability relationships. Several scholars identify the need to analyse the means and ends of accountability in terms of accountability relationships, particularly in terms of power (Grant and Keohane, 2005; Koppell, 2014; Finnemore, 2014; Rached, 2016) and how the moral relationship between accountability subjects is constituted (Schweiker, 1993).

Others have also identified the need “to study the dynamic relationships between reforms, performance and accountability and how multiple and hybrid accountability relations interact and change over time” (Christensen and Lægreid, 2015, p.223). One way to manage these complexities is to understand accountability as an emergent discourse and practice (Brand, 2005), and as a (re)productive structural property that is constantly in flux (Yang, 2012). Public administration theorist Kaifeng Yang (2012) argues that there is limited ‘actionable knowledge’ in the accountability literature and identifies the need for clearer understanding of how governance actors deal with accountability pressures, develop mechanisms for accountability, define outcomes, (re)produce accountability institutions and constitute accountability relationships. This is key to assessing the emergence of accountability among global governance institutions, who themselves are engaged in disagreements about their goals and the standards of justice and accountability they should meet (Buchanan and Keohane, 2006).

This research takes up the question of the production of meaning of accountability in a victim-centred approach, particularly regarding the constitution of accountability relationships between victims and peacekeeping institutional actors. Little attention has been

granted to the understanding how victims are situated in the new approach nor victims', survivors' and paternity claimants' status in governance and accountability reforms and relationships. In the next section I set out the research aims, objectives and research questions before discussion the research design. I then explain the impact of the COVID-19 pandemic on the research and outline the contributions this research makes. Lastly, I outline the structure of the thesis and summarise the arguments made.

0.6 Aims, Objectives and Research Questions

This study aims to explore the changes that have emerged in the UN's approach to accountability for sexual exploitation and sexual abuse perpetrated by UN peacekeepers and related personnel following the adoption of a victim-centred approach in 2017.

This research has two objectives, which are to:

- 1) Determine how the UN has framed accountability for SEA between 1992 and 2021.
- 2) Critically assess how accountability relationships with victims are constituted over time to determine changes emerging with the victim-centred approach

How the UN understands accountability for sexual exploitation and sexual abuse in the context of the new approach is key for critical engagement in tracing the implementation and aims of this strategy. The normative implications of the UN's approach extend beyond peacekeeping. Amidst a rise in popularity of organisations advancing victim and survivor-centred approaches, this research matters for understanding the contexts within which such claims arise and the practical and normative intentions of these strategies and policies.

0.7 Research Design

This research takes a critical feminist interpretive approach that grants analytical attention to the frame within which accountability is defined and accountability relationships are constituted. Frames refers to a set of shared meanings on a problem that structure policy discussions and inform the actions that can be taken. Frames can both enable and constrain action, depending on the assumptions, beliefs, norms and interests that construct meanings through discourse about what the problem is, who it involves and "what kinds of actions are necessary, possible and effective" (Ferree, 2016, p.57). I build an analytical framework for analysing the frame that looks at four mutually imbricated areas:

1. The boundaries of the political space within which accountability is defined and produced (Research objective 1)
2. How victims are recognised in terms of status as subjects of accountability (Research objectives 2)
3. What resources are allocated to support victims' participation in accountability mechanisms (Research objective 2), and

4. How victims are represented as agential subjects in accountability relationships (Research objective 2).

This conceptual framework foregrounds the structural issues of recognition, redistribution and representation from the social justice theory of Nancy Fraser (1995; 2007; 2008b; 2010) and the accountability scholarship. Feminist scholars writing on sexual exploitation and sexual abuse have emphasised the structural conditions surrounding prevention and accountability and have foregrounded questions of agency. Fraser's framework captures these contributions and leverages them as a powerful lens through which to evaluate the new victim-centred approach. This framework allows me to centralise victims, survivors and paternity claimants as the 'who' of accountability and determine what accountability relationships are produced between peacekeeping institutional actors and victims in the new victim-centred approach compared to past approaches. This approach grants insights into how structural issues of symbolic order, distribution of resources and production of accountability subjects coalesce to give meaning to accountability.

Research methods include qualitative frame analysis of documentation produced by the United Nations on sexual exploitation and sexual abuse. I view the documentation as an archive of knowledge production that has epistemological impacts on what can be known about accountability for sexual exploitation and sexual abuse. These documents allow me to identify the frame of accountability (objective 1) and how victims are constituted in accountability relationships (objective 2). I trace the constitution of these relationships through discursive recognition and representation of victims and the status of accountability processes and outcomes reported in evaluations. I compare the UN's documentation against external evaluative sources where possible and conducted interviews to identify changes over time in the UN's approach to accountability in relation to victims, survivors and paternity claimants. Lastly, I conducted quantitative analysis of the UN's database of allegations to support evaluation of the production of meanings on accountability outcomes for victims, survivors and paternity claimants.

The next section details the impact of the COVID-19 pandemic on the research plans.

0.8 COVID-19 Impact

This is not the project I originally set out to do and there were a number of planned areas of work that I was not able to do due to the COVID-19 pandemic. In the first eighteen months of my PhD, I was determined to understand the intersubjective interaction between UN peacekeeping and organisations working on behalf of victims, survivors and paternity claimants. My initial aspiration was to travel to Liberia to investigate the relationship between the mission and local actors in responding to SEA. I was interested in understanding the character of the interactions between those working with and on behalf of victims, survivors and/or paternity claimants and the mission. I had planned to travel to Liberia, a country

which had hosted a peacekeeping mission between 2003 and 2018 and which the UN claimed was a best practice case not only for addressing SEA but also for gender mainstreaming (Reddick and Hughes, 2010; Beber et al., 2017; Landgren, 2018). It is also a country that for a long time was among the top four missions with the most allegations of sexual exploitation, sexual abuse and paternity claims (Johnston, 2004; Awori et al., 2013; Beber et al., 2017; Paye-Layleh and Petesch, 2018). For this reason, it became a country that, even though the mission ended, was granted funding from the Victims' Trust Fund that is part of the new victim-centred approach.

The lockdowns and travel restrictions resulting from the global pandemic were put in place five weeks before I was due to travel to Liberia to conduct this research. I adapted my approach to the research within six months by delving more deeply into the available UN and other evaluative documentation, theorising and rethinking the overall research approach. This was quite a challenge as I was already nearly two years into the PhD process. I then decided to reframe the project to focus on the developments emerging since the announcement of a victim-centred approach in 2017.

The next section details the contributions and structure of the thesis.

0.9 Contribution

By foregrounding the question regarding the standards of accountability the UN discursively presents regarding in the victim-centred approach, or the frame within which the ends of accountability are produced, this research contributes to understanding the development of the accountability framework on sexual exploitation and abuse for UN peacekeeping. I situate the emergence of the SEA accountability agenda against the backdrop of wider UN accountability reforms/establishment of an accountability architecture. This is important because SEA was key to the formation of this agenda, but it has been separated from other substantive areas. Further, there has not been a study that incorporates evaluations and reports of the status of complaints reception and victim assistance mechanisms nor Protection from Sexual Exploitation and Abuse Networks in field missions, which constitute a component of an integrity system. Recent developments in accountability studies have centralised the principle of integrity and integrity systems as a crucial issue (Huberts, 2018; Huberts and van Montfort, 2021). By bringing in this material and shining a spotlight on the problematic details of accountability processes in integrity systems, it makes an empirical contribution to understanding the status of specific accountability practices in integrity systems in field missions affecting victims. This study also makes an analytical contribution to studies on victim and survivor-centred approaches by offering an analytical framework for critically assessing these transformations at a discursive level. This study contributes to the advancement of scholarly insights into UN accountability approaches and practices by analysing the context of accountability demands within which a victim-centred approach emerged, the subsequent strategic reframing of the UN's accountability approach,

and, primarily, the accountability relationships constituted with respect to victims in accountability deliberations evidenced in official discourse.

Critically, an increasing number of humanitarian and development organisations are announcing victim and survivor-centred approaches, particularly following adoption of Security Council resolution 2467(2019) on survivor-centred approaches to conflict-related sexual violence within the Women Peace and Security Agenda, but there is nascent scholarship critically engaging with these developments. Feminist studies have examined the structural basis of and legal barriers to addressing sexual exploitation and sexual abuse in UN peacekeeping, there has not been a study which assesses the emergence of a victim-centred approach in this field. This study thus provides an additional insight into the notion of victim-centred in policy strategies, which is becoming increasingly popular among international organisations, non-governmental organisations and governments as part of an emergent agenda on addressing sexual and gender-based violence. Victim and survivor-centred approaches advanced by global governance institutions are undertheorized, and by drawing together feminist international relations and accountability scholarship in a social justice framework to analyse the development of the UN's concept and approach to accountability, I demonstrate how a victim-centred approach is made recognisable in the SEA policy agenda since 2017 and the implications of the UN's interpretation for the constitution of accountability relationships with victims, survivors and paternity claimants.

0.10 Thesis Structure

This thesis is divided in three parts. The first part establishes the conceptual and analytical approach and design of the study (Chapters 1 and 2). The second part analyses the accountability frame that sets out the ends of accountability in policy and their implications for understanding the constitution of accountability relationships with victims since 2017 (Chapters 3 and 4). The third part (Chapters 5 and 6) critically evaluates accountability mechanisms, or the means of accountability in practice and their implications for understanding the bridge between discourse and practice in constituting accountability relationships with victims in the victim-centred approach.

I then summarise my critique of what a victim-centred approach seems to mean against the backdrop of past initiatives and identify the limitations of the approach. I offer a set of four recommendations for further action. These include (1) a deliberate reconstitution of accountability relationships with victims, survivors and paternity claimants that recognises them as the core subjects of answerability in accountability arrangements, (2) prioritising resourcing mechanisms that victims will access in field missions to pursue accountability, (3) evaluating accountability in a victim-centred approach based on substantive outcomes for victims, survivors and paternity claimants, and (4) adapting and clarifying the zero-tolerance policy.

Chapter 1 Locating a Victim-Centred Approach to Accountability

1.1 Introduction

This chapter establishes the conceptual framework and analytical lens for the study, which is built on a concept of framing and Nancy Fraser's tripartite theory of justice. The assumption that accountability is a technical matter of holding individual perpetrators to account refers to one possible frame within which accountability is understood, but there are multiple possible frames for accountability which all have implications for what logics and norms drive action. The accountability scholarship draws attention to the frame within which accountability is articulated and pursued and identify how the framing of accountability grants insight into the political space within which accountability claims can be articulated, contested, and pursued. Frames establish a common narrative about an issue that can be deployed across localities, organisations, states, and global publics. They also constitute accountability relationships by identifying which subjects count.

The concept of framing supports an analysis of how accountability is understood by the UN over time, both in normative, procedural, and substantive terms and the context within which a victim-centred approach emerged. The frame grants attention to the construction of shared meanings on accountability, how victims as subjects are identified in accountability relationships, and how the problem of sexual exploitation and sexual abuse is understood. Evaluating accountability in the UN's sexual exploitation and sexual abuse agenda in a victim-centred approach in this thesis includes attention to the means and ends of accountability in the frame, or the shared meanings regarding the problem and its solutions, evidence of the status of implementation of solutions, some degree of concern with outcomes and the constitution of accountability relationships.

A key component of framing involves attention to accountability relationships produced in discourse over time to centralise an idea of 'victim-centred' in the analysis. I draw on the concepts of recognition, resourcing and representation adapted from Nancy Fraser's (2000; 2008b; 2008a; 2010) theory of justice as a lens to support analysis of how victims are constituted in accountability discourse as an indication of relations of power in the accountability approach. First, the concept of recognition allows for a focus on how victims have been viewed discursively in terms of status and the implications for how they have been prioritised in accountability processes and outcomes. Secondly, the concept of resourcing relates to the means of accountability by a focus on the practical allocation of resources to

support the participation of victims in accountability procedures. Resourcing also grants further insight into the practice of recognition by looking at resourcing priorities. Thirdly, representation allows me to analyse the discursive production of victims as subjects in accountability relationships, which links to how victims are viewed in terms of agency. It also allows me to analyse how victims are represented as subjects of accountability in terms of how accountability outcomes are identified and defined. These three concepts are mutually reinforcing and help me to identify the who, what, and how of accountability in a new approach, or, where victims are recognised in accountability relationships, what resources are allocated to support their participation accountability processes, how accountability is determined for victims, and how victims are produced as subjects in the new approach. Together these elements produce an understanding of how victims are constituted in accountability relationships.

These concepts work together to support analysis of how accountability is understood by the UN over time in practical and normative terms, including in a victim-centred approach. Taken together, the frame and the recognition, resourcing, representation framework support a discursive space that allows me to both trace the UN's conception of accountability in its sexual exploitation and sexual abuse policy agenda over time and, by analytically centralising victims, identify emergent changes coinciding with the 'new' victim-centred approach. I deploy these concepts through a focus on discursive practices evidenced in documentation produced by the United Nations on sexual exploitation and sexual abuse.

The next section introduces the concept of framing and outlines the two dominant approaches to analysing frames in the accountability scholarship, which I apply together to my analysis. Next, I discuss the normative and process-oriented approach which prioritises the concepts of legitimacy, integrity and transparency as means to understand and evaluate the frame. Following this I discuss the approach which centralises attention to accountability relationships. In this section I detail how Fraser's framework supports analysis of accountability relationships and attention to 'victims' as constructed in the victim-centred approach. Lastly, I explain how this conceptual framework and Fraser's analytical lens allow me to pursue the research objectives and answer the research questions.

1.2 Framing Accountability

Frames establish a common narrative and a shared meaning regarding a problem and its solutions. Frames are not static, they are situated in specific historical, cultural, economic, and political contexts and they are constructed intersubjectively (van Hulst and Yanow, 2016). They name who and what counts in policy and can be deployed to contest and advance norms, allow for the emergence of new norms (Finnemore and Sikkink, 1998; Barnett, 1999), transform and sustain structures, advance interests, distort problems (Payne, 2001) and advance new understandings. They are both a social construct and a productive form of power because they are situated intersubjectively in the realm of discourse.

Discourse refers to the idea of viewing language as embedded in relational social processes that define the boundaries of what is known, legitimised, 'natural' and normative (Fairclough, 2015, pg.7). Discourses are a key mode of the production of power. Critical and postmodern perspectives in international relations scholarship have increasingly addressed the role of discourse through viewing texts and language as core elements constituting the social world. Discourse is viewed as a 'structure of meaning-in-use', and the study of discourse is based on establishing these relational and hierarchical structures, meanings and their deployment in language (Weldes and Saco, 1996, pg.373 cited in Milliken, 1999, pg.231). The discourse approach sees language as central, and for subjects language is "a key modality of their agency and of the way in which they position themselves in the world" (Epstein, 2011, pg.343). This approach views language as a mode of meaning-making that interacts with the material world, is embedded in social processes, and is fundamentally relational (Fairclough, 2015, p.7). Discourses are produced intersubjectively in specific structural contexts and social relations and constitute a key dimension of power (Lombardo et al., 2010). One area where discourses have productive power is in frames.

The act of framing involves processes of boundary-setting in which some actors, issues and spaces are either included or excluded as part of addressing a policy issue, but these boundaries can be continuously redrawn. Diverse social actors with strategic interests do the work of framing and can deploy frames to fix certain meanings, advertise interests and identities, and develop recommendations for policy problems (Barnett, 1999, p.25). Those who do the work of framing are equated with norm or policy entrepreneurs, who work to promote certain norms and/or interests (Finnemore and Sikkink, 1998).

The work of framing can take place among individuals, states, and wider networks, but these actors are embedded in contested normative structures that can both enable and restrain the work of framing. Liberalism, for instance, makes the promotion of gender equality a possible action (Barnett, 2018), and liberal feminism identifies gender equality as a problem of inequality between men and women which can be addressed through legal reform. But black feminist theory, for instance, argues that legal reform alone does not promote gender equality for all women, and that redressing inequalities and oppressive structural conditions should be part of the solution (see Crenshaw, 1989; Collins, 2009). While there may be agreement on the norm structuring discussion on a frame (e.g., gender equality), there are differences in terms of who counts and what is deemed appropriate or necessary to promote that norm.

I focus on the enabling and constraining structural elements of framing and ongoing struggle to establish political meaning for a frame (van Hulst and Yanow, 2016, p.100) through discourse that identifies and categorizes the subjects of the frame and the solutions that can follow. Policy frames turn accountability demands into actionable problems (van Hulst and Yanow, 2016). Victims have been explicitly discursively inserted into this accountability space in the new approach, and it is critical to pay attention to role of various power relations in

the production of this space as well as the production of power relations in the frame within which shared meanings of accountability are developed and deployed. The role of human agency is also an important part of intersubjective processes of negotiating accountability (Dubnick and Yang, 2011). However, this focus is beyond the scope of this research.

There are two dominant approaches to analysing accountability frames in the accountability scholarship. The first prioritises attention to frames in normative terms as logics producing process-oriented understandings of accountability. Analysis of processes involves attention to the technical means and the normative terms within which the ends of accountability are articulated. Scholars in this approach tend to organise the frames according to the principles of legitimacy, integrity, and transparency (Ball, 2009; Aulich, 2011; Huberts, 2018; Da Veiga and Major, 2019). Others view the ends of accountability in a broader scope. These scholars include greater attention to the moral content of accountability that is evidenced in the relationship constituted between account demanders and account givers in accountability relationships (Schweiker, 1993; Dubnick, 2011; Koppell, 2014; Rached, 2016). Here attention to power structures underlying accountability relationships is key, as are opportunities for reconfiguring those accountability relationships. Scholarship in this tradition is more focused on establishing what accountability could and should be in the frame.

These approaches are often considered as distinct, but together they can reinforce an understanding of the production of the frame and help identify emergent changes, particularly regarding how frames establish the political space within which the revise the terms of accountability. While these bodies of work take somewhat different views on approaches to analysing accountability, together they point to the importance of analysing how the principles of legitimacy, integrity and transparency are core to understanding the frame and why attention to power relations is a key element of evaluating the normative content of accountability frames. They also offer a focus of analysis on discourse that constructs the frame, identifies the subjects included in accountability relationships within the frame, and the practice of specific mechanisms. I adopt these two approaches: attention to the role of the principles of legitimacy, integrity, and transparency and to the accountability relationships constituted in policy discourse. Combining these approaches helps me to fulfil my first research objective, which seeks to determine how the UN frames accountability for sexual exploitation and sexual abuse and to identify the context within which the victim-centred approach emerged.

In the accountability scholarship there are a number of different takes on how to analyse the frames and logics of accountability in governance. These include attention the normative frame and the moral content of accountability evidenced in the accountability relationships constituted in the frame of policy. The next sections will discuss these approaches and identify the central importance of the concepts legitimacy, integrity and transparency in policy frames, the role of accountability mechanisms as a means of evaluating the frames, and accountability relationships constituted within the frames.

1.3 Legitimacy, Integrity, and Transparency

Those who advocate for attention to the normative frame of accountability tend to prioritise attention to the role of the principles of legitimacy, integrity, and transparency. These principles are also identified as the core elements of good governance (Ball, 2009; Aulich, 2011; Huberts, 2018; Da Veiga and Major, 2019). Good governance is a principle of the UN (UN General Assembly, 2012b, para. 12) and the UN and its member states identify integrity, transparency and accountability as core principles mutually reinforcing elements of an ethics infrastructure, and cornerstones of good governance (Armstrong, 2005). Governance actors often adopt mechanisms to advance or demonstrate the principles of legitimacy, integrity and transparency as means of demonstrating good governance. The principle of legitimacy is concerned with the authority of governance actors to play a role in global rule-making. The effectiveness of this rule-making is a question often to the legitimacy of global governance actors and institutions (Le Moli, 2017). The principle of integrity relates to establishing rules, norms and standards and processes for promoting ethical behaviour and addressing violations of those rules, norms, and standards. It can also be understood as an element of legitimacy connected to the “moral quality of the governance process” (Huberts, 2018, p.27). Lastly, the principle of transparency relates to the visibility of the actions and performance of global governance actors. Transparency can grant insight into the extent to which actors are “meeting the standards accountability holders apply” (Buchanan and Keohane, 2006, p.426), and can reinforce or challenge legitimacy.

Taking an approach that centralises the principle of legitimacy as a normative element, Buchanan and Keohane (2006) argue that the study of accountability in global governance should involve attention to the right of governance actors to govern, rather than the legal aspects of legitimacy. For them, legitimacy is normative because it involves moral disagreement regarding the goals and standards of justice global governance institutions should meet, the design of the institutions themselves, justification for rule making, and process-oriented efforts to enforce those rules (Buchanan and Keohane, 2006, pp.410–411). The authors warn that equating legitimacy with justice creates too many demands but acknowledge that the terms of accountability require some agreement regarding the role, if any, institutions should play in global justice (Buchanan and Keohane, 2006, p.427).

Buchanan and Keohane offer a way of assessing legitimacy from moral standpoints through three substantive criteria: minimum moral acceptability, comparative benefit, and institutional integrity (Buchanan and Keohane, 2006, p.419). Institutions that at a minimum respect human rights or ‘do not persist in violations of the least controversial human rights’ fulfil the normative criteria for minimum moral acceptability to promote the principle of legitimacy and integrity (Buchanan and Keohane, 2006, pp.420–421). Comparative benefit is instrumental and refers to the expectation that an institution can competently perform its functions (Buchanan and Keohane, 2006, p.422). Lastly, institutional integrity is concerned

with the behaviour of an institutions and indicates a condition in which an institution can demonstrate that its performance promotes its main goals and functions (Buchanan and Keohane, 2006, p.423). Demonstrating performance relies on some basic conditions of transparency. If an institutions performance undermines pursuit of its goals, and “the institution lacks correctives for these deficiencies”, then legitimacy is at threat (Buchanan and Keohane, 2006, p.423). This Rawlsian approach views legitimacy claims as the ability of institutions to demonstrate at least one of these characteristics, but legitimacy claims strengthen with each characteristic (Buchanan and Keohane, 2006, p.424).

For them, accountability in these three conditions should at a minimum should involve ‘the capacity for *revising the terms of accountability*’, which also relies on broad transparency that allows for “informed contestation” of the terms of accountability (italicised in original, Buchanan and Keohane, 2006, p.429). Buchanan and Keohane (2006) argue that transparency can support criticism “not only of the institution’s processes and structures, but events of its most fundamental goals and its role in the pursuit of global justice” (p.428). This suggests that transparency as an instrument of accountability can open space for re-evaluating the wider approach and goals of an institution. The virtues are linked to the minimum substantive criteria and link transparency to the capacity for inclusive deliberation on the requirements for global justice.

Transparency through the presentation of information does not necessarily equate with a guarantee of accountability (Fox, 2007). It depends on what can be done with the information provided by organizations, for instance through mobilising shame through public information. It also depends on what kind of information is shared, to whom, for what purpose, the quality of that information, and critically, what information is not counted or not shared. International organisations often both provide an abundance of information and conceal information (Keohane, 2006), and the provision of information on organizational performance does not guarantee that those affected to have enough resources to draw upon to scrutinise the actor whose is being held accountable (Scholte, 2011, p.16). These resources can be material, economic, social, or even political barriers that limit the extent to which scrutinisers can meaningfully participate in generating accountability of organizations. Some entity needs to be able to wield the information as power for there to be effective means by which penalties can be applied (Grant and Keohane, 2005, pp.39-40). For this reason, transparency is more of a normative principle than justiciable principle (Storey and Eccleston-Turner, 2022). Buchanan and Keohane identify the importance of the role of transparency and participation in principled contestation of the terms of accountability and goals of governance actors in global justice.

However, their approach relies on an understanding of accountability largely as a matter of performance of an institution and fails to grant attention to various power relations embedded in and shaping accountability, particularly through transparency. For Alnoor Ebrahim (2009), a normative focus often neglects to consider the role of various power

relations underpinning social structures within which accountability is determined and practiced. The view of the frame is to simply put in punitive, coercive, and technocratic terms that produce the idea that there are simple solutions to accountability deficits (Ebrahim, 2009, p.899). The normative frame of the accountability problem has implications for the logics determining what interventions and responses are required to improve accountability and hold relevant parties accountable for their normative failings.

Ebrahim (2009) distinguishes between three normative logics of accountability: governance, performance, and mission. The normative logic of governance frames the accountability problem as a failure of appropriate regulation. This prompts self-regulatory accountability regimes that produce codes of conduct and expected standards in a legitimacy and integrity-based approach. The normative logic of performance frames accountability as management failures, prompting evaluations of performance and promotion of technical skills and training on self-regulatory standards in an integrity and transparency-based approach. The normative logic of mission is more emergent and frames accountability in terms of failure of organization to achieve its goals, prompting organization to rethink their theories of change and organizational learning approach (Ebrahim, 2016). It prompts strategic reviews of the accountability approach and tends to take a more values and purpose-based approach to managing performance and organizational learning (Ebrahim, 2009, p.887). But the author argues that the accountability frame is too often disconnected from the empirical realities of how accountability actually operates in practice (Ebrahim, 2009, p.890).

This concern with the practice of accountability within certain logics has been picked up by others. Dubnick and Yang (2011) demonstrate how the means and ends of accountability are entwined in certain normative frames that produce certain promises built on the idea that attention to certain technical mechanisms is expected to lead to certain outcomes (Dubnick and Yang, 2011). The promise of integrity derives from attention to inputs that offer an instrumental promise of control, which might include audits, oversight bodies and reporting structures. The promise of legitimacy is based on implementing processes and offers an instrumental promise of ethical behaviour, which includes mechanisms that establish standards and implement certain protections, including through human resources policies. The promise of justice prioritises outcomes and offers an instrumental promise of performance, which can include mechanisms for measuring the performance of staff and reports and evaluations of an organisation or certain projects (Dubnick and Yang, 2011, p.173). The authors call for research that extends beyond a mere focus on inputs, outputs and outcomes and argue that attention should be granted the means and ends of accountability and the situated context within which accountability emerges (Dubnick and Yang, 2011, p.180). For them, attention to how the frame produces certain accountability mechanisms and the practice of those mechanisms offers a key insight into the reproduction of the frame itself. The next section offers a discussion of accountability mechanisms.

1.3.1 Accountability Mechanisms

Mechanisms refer to the practice of accountability and are characterised as “entities and activities organized in such a way that they are responsible” for a particular phenomenon, for instance accountability (Illari and Williamson, 2012, p.132). They are processes that are broad in scope and set out specific courses of action and can include tools such as evaluative reports and other transparency initiatives that document the outcome or end-result of accountability processes and activities (Ebrahim, 2003). Mechanisms also include instruments or frameworks used by entities in activities that organize to affect change. Mechanisms are an accountability practice directed at answering to stakeholders “who require evidence of ‘impact’” (Madianou et al., 2016, p.961). Mechanisms are more than technical processes; they constitute a means of evaluating the logics and effectiveness of accountability practices. Reykers (2018) similarly proposes studying accountability of UN missions through process-tracing of accountability procedures to determine causal mechanisms for accountability as a means of granting insight into the political will behind accountability frameworks. Mechanisms can be understood as a site of knowledge production, particularly through the transparency accountability mechanisms that are directed at answering to stakeholders and the accountability relationships that are constituted between account-givers and stakeholders in these mechanisms.

Transparency can be narrowly understood as a process where “an organization reveals the facts of its performance” (Koppell, 2014, p.377). Evaluations are a core transparency mechanism that grant insight into how these facts or outcomes are articulated and presented by different entities. Internal evaluations gauge progress in terms of how an entity views its progress with respect to its objectives (Ebrahim, 2005). External evaluations constitute an oversight mechanism of accountability that establishes how external entities view the progress of an entity. Together, internal, and external evaluations help build a picture of what aspects of an intervention and which actors are most important. They also help reveal the status of specific processes that are designed to promote certain goals and redress deficits. Lastly, they grant insight into changes made in approaches to interventions (Ebrahim, 2005). Evaluations typically include recommendations that are geared at redressing deficits. Which recommendations are taken up by an institution grants insight into the priorities of that institution in redressing deficits.

Examining the interplay between internal and external evaluations of accountability progress can help reveal the practice of the accountability frame. A key element of understanding mechanisms deployed within the accountability frame is establishing who counts as the stakeholders requiring evidence of impact, which is a matter of accountability relationships. Viewing accountability in technical terms de-politicises it as neutral and objective set of technical procedures and systems (Brown, 2009). However, accountability relationships are political matters. Dhawan (2012) has similarly argued that discourses framing (transitional) justice should be read critically in terms of the norms that make them recognisable, that

“determine what qualifies as unjust and violent, what mechanisms are deemed appropriate and legitimate to right wrongs, who is listened to, and who has the power to listen” (pp.277-278). This has implications for what constitutes, in theory and practice, the norms, processes and practices informing the appropriate and recognizable bounds of justice, or what ethos is driving accountability and justice efforts.

The United Nations has produced a number of evaluative reports internally on progress with respect to sexual exploitation and sexual abuse. These include annual reports of the Secretary-General on the status of strategies to prevent and respond to the problem, reports of the Special Committee on Peacekeeping Operations on the approach of the Secretariat, reports of the Office of Internal Oversight Services, the monitoring body of the United Nations, reports of the Inter-Agency Standing Committee who coordinate accountability activities in field missions, and external independent reports commissioned by the United Nations on the problem. A few external bodies, largely in the humanitarian sector, have also produced reports evaluating the status of the UN response to the problem. Further, the UN’s database of allegations (see United Nations, 2022c) constitutes a transparency mechanism that provides information regarding how the status of allegations and investigations are publicly shared. Together they constitute a means of how internal and external actors evaluate progress on the agenda, the frame within which progress is determined and revisions are made, how accountability priorities are articulated, and how accountability relationships are constructed. Thus, I grant analytical attention to these documents and the database to determine the frame and support an understanding of the UN’s conception of accountability in its sexual exploitation and sexual abuse policy agenda over time.

Together the accountability scholarship emphasizes the need to analyse how the normative principles and logics of legitimacy, integrity and transparency coalesce in the frame of accountability and have implications for understanding and evaluating the practice of accountability. A focus on power relations and the contexts within which frames emerge are understood as key to determining the logics embedded in specific accountability practices that manifest as accountability mechanism. The concepts of legitimacy, integrity and transparency as evidenced in discourse and evaluations of specific mechanisms support the pursuit of my first research objective, which is to determine how the UN frames accountability and to identify the context within which a victim-centred approach emerged.

The next section will discuss how attention to accountability relationships is an additional key component of analysing the frame of accountability and identifying the subjects recognised within that frame. This is key for answering my second research question on identifying any changes that have emerged in the UN’s conception of accountability since the 2017 adoption of a ‘new’ victim-centred approach.

1.4 Accountability Relationships

The concern with who has access to the political space in framing accountability is a matter of how accountability relationships are constituted in terms of power. The meanings of accountability are situated at the nexus of debates and aspirations for reform that are themselves tied up in a complex matrix of local to international relationships across multiple geographical and discursive spaces. Accountability itself is relational and interactive, and these relations and interactions involve norms, structures, and actors situated in relations of power locally, nationally, internationally, and transnationally. The framing of accountability disputes constructs accountability relationships.

Accountability relationships refer to who constitutes the power wielder expected to be held accountability for their behaviour and who is recognised as the entity holding that power wielder to account. The constitution of accountability relationships determines who is expected to give an answer and who they are expected to answer to. A number of scholars emphasize the need to analyse the construction of accountability relationships in terms of power (Barnett and Duvall, 2004; Grant and Keohane, 2005; Koppell, 2014; Rached, 2016). Accountability relationships can not only shape the legitimacy and effectiveness of accountability efforts (Finnemore, 2014), but the relationship between account demanders and account givers “constitute the very essence of social arrangements that comprise governance” (Dubnick, 2011, p.708). Further, attention to accountability relationships can grant insight into understanding governance actors (Finnemore, 2014).

Concerned with the ends of accountability, Schweiker (1993) views accountability from the perspective of account givers. He argues that accountability is a moral phenomenon that constitutes moral agents through the interpretive, social, and discursive act of giving account. Conversely, Shearer (2002) emphasizes the importance of attention to the moral relationship constituted between accountability actors in discourse. Conceptualising accountability as intersubjectively constituted through the notion of answerability, “whereby one is obligated to demonstrate the reasonableness of one’s actions to those to whom one is accountable” (Shearer, 2002, p.563), Shearer prioritises attention to accountability discourses that constitute moral relationships of answerability. Critical of how accountability actors seem to account to themselves rather than to those affected by their actions, the author argues that viewing accountability as moral responsibility “grounds the *accountability* of the entity” to the human community affected by an entity (italicised in original, Shearer, 2002, p.543). Giving account is a specific practice within which “moral identity is enacted” by agents (Shearer, 2002, p.232). The agent giving account enacts their own moral identity and the act of giving account intersubjectively constitutes the identity of the account giver in relation to others (Shearer, 2002, p.246). He defines morality not in terms of avoiding bias or drawing lines regarding right and wrong, but as a “the principle of equal respect for others, to treat them as ends in themselves” (Shearer, 2002, p.233). Together these scholars call for analytical

attention to account givers, account receivers, and the constitution of the moral relationship between the two.

I grant analytical attention to the UN and UN peacekeeping institutional actors broadly as account givers and analyse the practices of account giving from various UN bodies and transparency mechanisms that support an understanding of those shaping the accountability agenda are constituted within it. But the primary object of analysis is the constitution of accountability relationships with victims in the victim-centred approach. For political theorist Nancy Fraser (2008b), the frame is a political matter because it establishes a shared understanding of who counts in what political space in (global) justice claims (pp.53-54). My analysis of accountability relationships is primarily concerned with establishing how victims count in the mapping of political space on accountability for sexual exploitation and sexual abuse.

The next section will discuss proposals for how to analyse a victim-centred approach. These proposals tend to coalesce around the themes of recognition, redistribution and representation that are offered in Nancy Fraser's theory of justice. Following this I set out how I evaluate victim-centred by adopting Fraser's theory as an analytical lens through which to analyse the situatedness of victims in accountability relationships.

1.4.1 Analysing a Victim-Centred Approach

Few scholars have sought to conceptualise a victim-centred approach to sexual exploitation and sexual abuse. Those who have, have proposed a series of normative frameworks that constitute a conceptual framework within which a victim-centred approach could be evaluated. They propose a human rights framework (Freedman, 2018) which could draw on the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Van Leeuwen, 2019) and/or the Women Peace and Security Agenda (Westendorf, 2017). A human rights framework draws on normative and legal obligations of states towards their citizens, centralises the inherent dignity of the individual as a moral entity and offers options for legal remedies (Hovell, 2016; Freedman, 2018). The Declaration also supports processes leading to those legal remedies. It defines victims of crimes and outlines their rights to justice and fair treatment in judicial and administrative mechanisms, to restitution or compensation for harm suffered, and to assistance to support needs (UN General Assembly, 1985). It also focuses on processes, the expected outcomes of processes, and the provision of support for victims within these processes and as a result of harms they suffered. This is an important framework for centralising the individual in accountability in normative, procedural, and substantive terms. Normative expectations for institutional actors tend to draw in human rights norms, but the practices for addressing violations of these norms internationally are complex (Grant and Keohane, 2005, p.35). One way of evaluating a victim-centred approach in a human rights framework or through the Declaration is to trace changes in accountability by focusing on its substantive procedural elements. This involves

attention to some event prompting changes in accountability and analysis of specific accountability institutions, mechanisms and procedures that followed from the event (Dubnick, 2011). However, this thesis does not primarily focus on the individual level of participation in accountability processes. It is concerned with exploring the meaning of victim-centred within wider accountability transformations in UN peacekeeping that are designed to address sexual exploitation and sexual abuse, of which human rights is one of many normative aspects.

The Women Peace and Security (WPS) Agenda constitutes a normative framework that governs efforts to address challenges facing women in conflict affected situations and is directly connected to norms of gender equality and empowerment of women (Coomaraswamy, 2015, p.28). The gender equality norm has emerged as an increasing focus in global governance and the norm has equality of “rights, responsibilities and opportunities” of men and women as its goal (UN Women, 2002, para.12). Gender inequality is both increasingly acknowledged and offered attention by those working in peacekeeping as a good governance principle (Smith, 2017) and is viewed by global governance actors as a component of good governance and ‘requirements for legitimate statehood’ (True and Mintrom, 2001, p.40), particularly following the adoption of the WPS Agenda.

The WPS agenda centralises gender and sexual exploitation and sexual abuse are also widely understood as gender issues (Nduka-Agwu, 2009; Díaz, 2016). The vast majority of victims and survivors and all mothers of children fathered by peacekeepers are women and girls. Men and boys constitute some victims and survivors and there is no documented evidence on abuse of sexual and gender minorities. Further, gendered power relations shape the contexts within which such abuse and exploitation occurs (Westendorf and Searle, 2017). Feminist scholars emphasize the role of gender as a form of structural and productive power in international relations and global governance in areas ranging from migration, nationalism, militarisation, peacekeeping to labour markets and armed conflict (Tickner, 1992; Enloe, 1994).

Gender is a structural power relation that is constructed and reproduced by society through attributing characteristics, social, political, and economic roles, relationships, and expectations on people based on their perceived sex and disproportionately affects women’s access to rights (Cohn, 2013, p.3). Conceptions of gender differ across society, time, and space, and which may have consequences for those who fail “to perform the illusion of gender essentialism” (Butler, 1988, p.528). Essentialist or ‘naturalist’ beliefs of the roles, behaviours, and characteristics of those perceived as male and female value masculinity and ‘maleness’ above femininity and ‘femaleness’ profoundly affect power relations, and women tend to be disproportionately negatively affected. This is largely the rationale of the focus of the WPS agenda on women, but the agenda is also considered with redressing gender inequalities.

Furthermore, race, class and other identity characteristics cut across and intersect with gender to produce inequalities. This refers to the idea of intersectionality, which posits that social and political life are shaped by an array of diverse and interacting factors operating along multiple axes (Crenshaw, 1989). Of concern to intersectionality is the role and influence of social divisions on their many axes of gender, race, class, sexuality, and so on, as well as how these divisions build on each other and interact to affect power relations (Collins and Bilge, 2016). They are intersectional insofar as that power relations are understood 'through a lens of mutual construction', which means that attention is given to how intersecting relations and domains of power (or structural, disciplinary, institutional) 'gain meaning in relation to one another' (Collins and Bilge, 2016, pg.27). Understanding power, then, relies on applying a lens which can reveal rather than hide the "intersections of race, class, and gender relations within and across national boundaries, and the construction and subversion of those boundaries" (Chowdhry and Nair, 2004, pg.3). Importantly, viewing structural inequalities as a root cause of gender violence does not exonerate perpetrators from their actions, nor does it place exclusive blame on one specific structural cause, "[r]ather, it is to place the perpetrators in a social and political context" (Henry, 2016, pg.53) where certain norms and beliefs prevail.

Feminist scholars also understand gender as form of productive power that constitutes an ordering process and set of logics that establishes value systems that value certain characteristics, roles, and perspectives over others. Productive power is concerned with "the boundaries of all social identity" (Barnett and Duvall, 2004, p.21) in the production of subjects through processes and practices that establish and reproduce social norms that recognise certain subjects and silence others. The idea of productive power comes from the work of Michel Foucault (1978; 1982), and this view sees power not as static, nor as a specific institution or structure, but as part of a mode of creation—power is productive. It is less about the relationship between agents and structures and more about how structures and the agents as subjects are produced in the interplay between power and knowledge to create a specific reality. Feminist scholars draw on the concept of gender a way of seeing the world as well as a logic constitutive and (re)productive of how global politics are understood and performed and are concerned with gender as a productive form of power and a logic that (re)produces certain forms of violence and notions of security (Shepherd, 2010) and have identified the ways that gender logics as a productive form of power "can be deployed in narratives that justify dominance, violence, hierarchy and devalorization in global politics" (Sjoberg et al., 2018, p.851).

Gender issues, or the role of gender as a form of structural and productive power that produces inequalities and certain forms of violence, are at the heart of the WPS agenda. The WPS agenda refers to the series of resolutions born out of Security Council Resolution 1325 (2000), which formally acknowledged the link between the insecurity of women and the insecurity of states. Substantial evidence indicates the central role of gender in the adverse

effects of conflict on women and girls, especially their vulnerability to crimes of sexual and gender-based violence (SGBV) (Aolain et al., 2011; Puechguirbal, 2012) and how increased gender inequality in a post-conflict environment significantly correlates to the risk of the outbreak of armed conflict (Caprioli, 2005; Leatherman, 2011).

The WPS agenda is built on four pillars: prevention, protection, participation, and relief and recovery (UN Secretary-General, 2007a; Coomaraswamy, 2015). Prevention refers to prevention of armed conflict and includes attention to mainstreaming a gender perspective and taking gender-sensitive approach. Participation includes efforts to promote women's meaningful participation in decision-making. Protection is concerned with promoting the safety, security, and rights of women, particularly by protecting from sexual and gender-based violence, and relief and recovery pertain to equal access to aid and services to help meet the needs of women and girls (UN Secretary-General, 2007a, para. 43).

The WPS pillars are meant to be understood as mutually reinforcing, states and institutions have interpreted and prioritised these pillars in different ways (Kirby and Shepherd, 2016). In Europe, for instance, participation of women in the security sector, gender training and efforts to prevent conflict-related sexual violence in the African continent have dominated, whereas in Africa and Asia more attention has been granted to relief and recovery (Coomaraswamy, 2015, p.28). The different ways that the pillars have been prioritised characterise the tensions and contestations regarding what the agenda should be (Pratt and Richter-Devroe, 2011; Aroussi, 2011; Kirby and Shepherd, 2016; Hudson, 2017) and have implications for “very different kinds of action” (Shepherd, 2021, p.113). Feminist scholars writing on the agenda have identified the masculinist protection logics underpinning interpretations of states and institutions (Pratt, 2013; Wright, 2022) and emphasize the narrow understandings of participation and relief and recovery inherent in National Actions Plans and discourses in the UN Security Council that subvert attention to socio-economic issues and needs (Heathcote, 2018; Martin de Almagro and Ryan, 2019; Newby and Sebag, 2021). The agenda itself has also been placed at the centre of demands for more accountability (Hewitt, 2016).

Fraser's framework maps onto the four pillars of the WPS agenda, particularly through the representation element that encapsulates all of these pillars a focus on status order, redistributive inequalities, and equal participation. Prevention of armed conflict requires that actors prioritise women's needs and contributions, protection entails acknowledgement of status order hierarchies that adversely affect women, and relief and recover encapsulate the redistributive elements of the framework. The participation element of the WPS agenda has for many been the most underdeveloped pillar (Goetz and Jenkins, 2016; Adjei, 2019) and scholars are increasingly attentive to the political-economic dimensions of the implementation of the agenda (True, 2012; Meger, 2016; Ertürk, 2020). Fraser's framework also encapsulates these concerns with how gender and other categories of identity affect the status order within which the agenda is implemented, the political economic dimensions of

redistribution and attention to resourcing for women's access to aid and services, and concerns with representation of women in terms of agency, their contributions to peace, and in political processes. Thus, rather than drawing solely on the WPS agenda pillars as an analytical framework, I draw on Fraser's theory as an analytical lens that can encapsulate the normative framework.

A few feminist legal and transitional justice scholars have adopted Fraser's theory as a framework through which to capture the complex and intersecting injustices embedded in promoting gender justice in peace and security issues. Maria O'Reilly (2016) has advanced a Fraser's framework to investigate "competing visions of justice being articulated within sites of international peace and security interventions" (O'Reilly, 2016, p.420). Chappell (2015) similarly applies the framework to add more precision and less ambiguity to researching the concept and legal and normative development of gender justice in the International Criminal Court.

I adopt an adapted form of Fraser's (2000; 2008b; 2008a; 2010) tripartite theory of justice as an analytical lens through which to evaluate the centredness of victims in how the accountability frame constitutes accountability relationships with victims. This is part of an intention to examine accountability in terms of how UN institutional actors expect that victims will be affected by the new approach. Accountability scholar Jan Aart Scholte (2011) has argued that accountability in global governance should be understood more widely "in terms of processes whereby an actor answers for its conduct to those whom it affects" (p.8). The justice approach is useful for analysing the status of deliberations regarding the standards and responsibilities of accountability to victims who, within the victim-centred approach, should be affected in some way through the agenda reform. These basic conditions involve attention to the who, what and how of accountability and are a simple formulation of Fraser's framework. These conditions are situated within the meta-frame of the division and mapping of political space that determine accountability logics and decisions, and who counts in accountability relationships. The next section will discuss how I adopt Fraser's theory as an analytical lens.

1.4.2 Recognition, Resourcing and Representation

I deploy an adapted form of Fraser's theory of justice as a mode of analysis to evaluate how victims are situated in accountability relationships. I do so through drawing attention to how victims as subjects of accountability are recognised in terms of status in policy discourse, what resources are allocated to enable victim-subjects to participate in accountability, and how victims are represented in accountability relationships. The victim-subjects in question refer to victims, survivors and mothers of children fathered by peacekeeping personnel. The purpose on focusing on victim-subjects is to identify how victims, survivors and mothers are situated in the accountability frame in ways that grant meaning to a victim-centred approach. This involves attention to the who, what and how of accountability. These three areas of

attention are built on Fraser's tripartite theory of justice as recognition, redistribution and representation which are part of the meta-frame for justice disputes.

Fraser uses the term meta-frame to encapsulate a means of addressing contests over justice in abnormal circumstances characterised by abnormal justice in transnational encounters (Fraser, 2008b). Where those making justice claims are not situated in a bounded political community as citizens making demands of their government, but situated transnationally outside the state, justice claims are for her, abnormal. For Fraser (2008b) there are three nodes in abnormal justice, which include the absence of a shared view of the 'what', 'who', and 'how' of justice (p.53). The 'what' are its substantive elements, the 'who' are the scope of justice, and the 'how' refers to the procedural elements of resolving disputes regarding the what and how (Fraser, 2008b, p.54). The question of the frame within which justice needs can be articulated is itself a matter of justice (Fraser, 2010, p.287). The meta-frame of relationships in global justice also depends on three structural issues of recognition, redistribution, and representation, which means that subjects of justice are recognised, and they have sufficient resources to draw upon to participate on par with others in justice claims.

Recognition refers to who the subjects of justice are, or how subjects are recognized, what their status is. In her theory this is generally linked to the role of ideas around socially constructed norms of race, gender, class and so on which 'misrepresent' the subjects in question. This is the cultural/symbolic dimension of justice, which is rooted in devalorisation of people based on perceptions around perceived identity categories that affect access to justice claims (Fraser, 2008a). It is in the misrecognition that perceived differences exclude or marginalise subjects. This dimension is concerned with the status of justice claimants and for her, it has a strong gender dimension (Fraser, 2009). Where subjects are recognised, for instance, as women and "inferior, excluded, wholly other, or simply invisible, hence as less than full partners in social interaction, then we must speak of *sexist misrecognition* and *status subordination*" (Fraser, 2013, pg.168). For instance, Fraser (2009) views sexual violence, harassment stereotypical depictions of women and devalorisation of "things coded as 'feminine', as a gender-specific form of status subordination that constitutes injustices of recognition (p.76).

The politics of recognition is also viewed by some political theorists as an individual rather than a structural matter. Justice concerns can be collective matters, but individuals are subjects of justice (Dahl et al., 2004). Axel Honneth and Lois MacNay argue that Fraser's concept of recognition is limited by its distancing from everyday individual experiences of status subordination and the harms resulting from these experiences (Fraser and Honneth, 2003; McNay, 2008). The emotional and mental attitudes of individuals who subordinate and those who are subordinated, for them, are key aspects of the politics of recognition. The feminist scholarship has also emphasised the importance of situating the everyday in transitional justice arrangements, particularly those claiming to take a victim or survivor-centred approach (Clark, 2021). Further, Fraser's concept of recognition does not

incorporate a perspective that recognises multiple harms against individuals that emanate from status subordination, but it does focus on misrecognition in terms of how it prevents parity of participation in social life. Writing on recognition from a legal perspective, Reiz and O'Lear (2016) consider justice from a spatial perspective in which justice is linked to a "sense of place and sense of one's safety within and with respect to a wider social grouping" (Reiz and O'Lear, 2016, p.459). They argue that recognition in a legal sense connects to harm against an individual's body, psyche and their social standing in their communities and their society (Reiz and O'Lear, 2016, p.459). But Fraser's focus on status subordination is particularly important in this research because it highlights the role of governance institutions in enabling and reproducing misrecognition.

This research does not seek to claim to represent any individual perspectives on the part of victims, survivors, and paternity claimants. It is beyond the scope of the research to incorporate these very important perspectives and experiences that are embedded in a politics of recognition. Nor do I claim to represent any common idea of what victims want or need. Instead, I am concerned with the constitution of the political space within which victims, survivors and paternity claimants can pursue justice and accountability. This is a concern with the sphere of morality, or how UN peacekeeping institutional actors view their moral relationship to victims, survivors, and paternity claimants in accountability frames.

Fraser's concept of recognition does not claim to speak for any specific identities or individual experiences of injustice. Instead, it focuses on social institutions and "seeks to deinstitutionalize parity-impeding cultural norms and to replace them with parity-fostering alternatives" (Dahl et al., 2004, p.377). The analytical attention granted to the frame within which victims, survivors and paternity claimants are recognised in political structures emanating through policy and evaluative discourse allows for same base understanding of the status hierarchies in accountability frames and the status of victims within these hierarchies. The status, for me, is collectively a matter of identifying evidence of discrimination, marginalisation and how victim-subjects are prioritised in terms of action. This offers insight into the 'who' is included in the scope of accountability and contributes to my second research objective of identifying the constitution of accountability relationships with victims. How victims are recognised in terms of status within the framing of accountability over time is one part of determining this relationship. The recognition dimension is mutually imbricated in the politics of redistribution.

Fraser's second dimension of justice involves the concept of redistribution, which pertains to how material resources are allocated to subjects based on their status. The dimension of redistribution refers to an idea of economic justice in refers to the 'what' of justice. It is not only concerned with class politics, but how socio-economic transformations interact with the status order (Fraser, 2009). This socio-economic dimension is rooted in political and economic structures that produce material inequalities the prevent subjects from participating on par with each other in the political realm (Fraser, 2009). Distributive issues

are connected to the global political economy (Fraser, 2009). For example, the gendered nature of work often sees women marginalised or excluded from economic gain. Gender matters here because it has political-economic dimensions, and "is a basic structuring principle of the political economy" (Fraser, 2013, pg.78) which structures divisions between paid and unpaid labour, and divisions among higher-paid-male-dominated and lower paid female-dominated professions and occupations. Gender inequality is understood as rooted in co-constitutive socioeconomic and cultural/symbolic injustices (Fraser, 1995c; Fraser, 2007a). Race cuts across here on these same two dimensions as well, as it structures access to the labour market, resulting in " 'race'-specific modes of exploitation, marginalization and deprivation" (Fraser, 1995b, p.80). Such exclusion precludes their inclusion as full participants in social interaction, they are positioned subordinate to the subjects who misrecognise.

While the feminist scholarship has identified the redistributive structural basis of vulnerability to sexual exploitation and sexual abuse that is constructed within the political economy of peacekeeping (True, 2014; Jennings, 2018), for the purpose of this thesis I take a narrow approach to the concept. I view redistribution in terms of the distribution of human, financial and material resources that support victims', survivors', and paternity claimants' participation in accountability processes. This is a substantive element of 'what' is included in specific accountability practices. To support fulfilment of my second research objective on accountability relationships, I analyse the distribution of resources in terms of how it is evidenced in evaluative and other reports produced by the United Nations on the status of specific accountability mechanisms that victims would need to access. I look at the interplay between how official sources report on the status of these mechanisms as an indication of the accountability priorities with respect to victims. This is inherently connected to the recognition dimension which analyses how victims are recognised in terms of status in evaluations that produce the facts of the status of accountability efforts.

Lastly, Representation is considered the political dimension of justice and it relies on recognition and redistribution within a bounded political community. The dimension of representation pertains to the constitution of social relations among accountability subjects and how accountability subjects are produced. But it is also concerned with "the construction or design of the broader political space in which bounded political communities are located" (Chhachhi, 2011, p.301). For Fraser (2010) the question of human rights regimes and networks of global governance make the question of this political space key for understanding who counts in justice claims (p.282). Social relations among justice subjects are the primary object of her theory of justice because its content relies on the other two dimensions of recognition and resourcing, in that it is a matter of how subjects are culturally constructed in structures and able to exercise certain capacities as agents (Fraser, 1995a, p.71). Representation constitutes a convergence of the previous two dimensions, meaning

that if one is misrecognised and subject to maldistribution, the result is the injustice of misrepresentation.

The concept of representation that captures the dimensions of recognition and redistribution incorporates membership (who), procedural (how) and substantive (what) elements. The membership dimension “tells us who is included and who is excluded” in justice considerations (Fraser, 2009, p.17). Misrecognition has the effect of excluding subjects from participation in social interaction, specifically participation which recognises the agency of these subjects. The procedural dimension is concerned with fairness in justice processes and involves attention to social power underpinning procedures. The substantive dimension is concerned with the consequences of outcomes for social interactions (Fraser, 2007b). However, fair procedures can lead to unjust outcomes. For this reason, empirical analysis should attend to ‘the workings of power’ underpinning both procedural and substantive dimensions (Fraser, 2007b, p.331). The value of analysing representation is that it allows for problematization of governance structures and procedures for decision-making (Dahl et al., 2004, p.380). Representation is a critical part of understanding the constitution of accountability relationships with victims in the wider frame.

I take a narrow approach to the concept of representation. I am concerned with two elements that are linked to my second research objective on accountability relationships. The first is a concern with how victims are constructed in terms of agency in policy and evaluative discourse. The concern with agency involves attention to how victims are represented as agential subjects of participation in accountability relationships. The second element is a matter of how victims are represented in terms of accountability outcomes. I critically assess how the UN presents the substantive outcomes of accountability for victims, survivors, and paternity claimants over time. Thus, I prioritise the membership (who) and the substantive (what) elements of representation. A focus on the procedural how, for me, would need incorporate perspectives of victims and other affected individuals directly. Incorporating these perspectives would also reinforce a deeper understanding of the experiences of membership and views regarding the substantive elements. However, this is beyond the scope of this research.

Some feminist theorists are critical of Fraser’s view of justice arguing fails to view justice as continuous cultural and structural struggles in constantly shifting complexes of power (Young, 1997). As McCall (2005) argues, “no single dimension of overall inequality can adequately describe the full structure of multiple, intersection, and conflicting dimensions of inequality” (pg.1791). I do not adopt Fraser’s framework to advance one view of justice, but to operationalise it to grant attention to the frames within which a victim-centred approach has emerged in order to understand better the shifting complexes of power in determining the meaning of accountability for sexual exploitation and sexual abuse. Further, Fraser’s approach allows for a focus on the who, what and how of a victim-centred approach, which is key for understanding the broad shape within which it is understood. Attention to the

who, how and what a victim-centred approach offers a base conceptual understanding of the political space within which victims are constituted in accountability relationships.

1.5 Conclusion

The concepts of legitimacy, integrity and transparency allow me to analyse the normative frames established regarding accountability for sexual exploitation and sexual abuse in policy discourse. These concepts are connected to certain logics regarding accountability practice and specific accountability mechanisms. By tracing the interplay between how accountability is articulated in official documentation in terms of its means or processes and the status of its practice in terms of its ends or outcomes, I can build a picture of the normative frame for accountability established in policy discourse over time, which helps me answer my first research question: How as the UN conceived of accountability in its sexual exploitation and abuse policy agenda between 1992-2021. Attention to accountability relationships using Fraser's theory of justice as an analytical lens allows me to analyse how victims are situated in accountability relationships. An understanding of how they are recognised in terms of status, how mechanisms are resourced, and how victims are represented in terms of agency and in evaluations of the substantive outcomes of accountability mechanisms over time allows me to develop an understanding of my second research question: what changes, if any, have emerged in the UN's conception of accountability since the 2017 adoption of a 'new' victim-centred approach? The next chapter will set out the methodology for the study, which is built in qualitative frame analysis, interviews, and quantitative analysis of the UN's database of allegations.

Chapter 2 Methodology

2.1 Introduction

This chapter outlines the methodology for the study. I explain how I take a critical feminist interpretive approach to support analysis of the frame and accountability relationships in pursuit of my research objectives and questions. This study employs methods of frame analysis of 215 documents produced by the United Nations on sexual exploitation and sexual abuse and the wider accountability agenda. It also includes interviews and quantitative analysis of the database of allegations. Together these methods help to pursue the research objectives by offering a set of methods and techniques for analysing how the UN has framed accountability and how accountability relationships are discursively constituted with victims over time.

This chapter proceeds as follows: first I restate the research objectives and the research questions. Then I lay out the critical feminist interpretive philosophical approach to the study. Following this I detail my methods and how I have used them in the study. Lastly, I offer a section on reflexivity and the limitations of the study.

2.2 Research Aims, Objectives and Questions

This study aims to explore the changes that have emerged in the UN's approach to accountability for sexual exploitation and sexual abuse perpetrated by UN peacekeepers and related personnel following the adoption of a victim-centred approach in 2017.

This research has two objectives, which are to:

- 1) Determine how the UN has framed accountability for SEA between 1992 and 2021.
- 2) Critically assess how accountability relationships with victims are constituted over time to determine changes emerging with the victim-centred approach.

The questions guiding the research are:

How has the UN conceived of accountability in its sexual exploitation and abuse policy agenda between 1992 and 2021?

And, what changes, if any, have emerged in the UN's conception of accountability since the 2017 adoption of a 'new' victim-centred approach?

2.3 Research Approach

This research takes a critical feminist interpretive approach. It is interpretive in that it treats reality as a social process of human reflection and interaction embedded in competing interpretations and understandings of truths (Heywood, 2014, p.518). It is critical in that it has emancipatory aims of challenging structures of power that reinforce inequalities (Cox, 1981). By attending to how power asymmetries are constructed and produced by governance institutions, a critical approach supports efforts to track these manifestations, challenge them (Fraser, 2007, p.334), and sharpen “our perceptions of the world” (Heywood, 2014, p.528). R.W. Cox (1981) has argued that the role of critical theory in building a larger picture helps “to understand the processes of change in which both parts and whole are involved” (p.129). A key objective of this research is to track change in the UN’s SEA policy agenda, especially to identify changes emerging through the victim-centred approach. By connecting analysis of this specific agenda on SEA to the wider transformations in accountability in the UN system, a broader picture of UN accountability helps situate the context of the research questions. Attention to social practices and the deployment of power is key, particularly when deployed through discourse (Theys, 2017, p.38). This research treats power, relationships, experiences, processes, and structures as central to generating new insights and deeper understandings of how various actors reflect on and interact in interpreting accountability and a victim-centred approach.

This research takes a feminist approach in that it draws from the goals of feminist theory to position and ground knowledge (Haraway, 1988) and disrupt power relations that sustain gender inequality and injustices (Gannon and Davies, 2012). It challenges taken-for granted assumptions that contribute to reproducing relations of power and knowledge. Feminist theory has transformative aims of social justice and takes gender as relation of power seriously. There are many different feminisms, but feminist theory treats gender (in)equality as a socially constructed category, productive form of power, and as a political issue that ranges from the everyday to the global (Steans, 1999; Lombardo et al., 2010; Enloe, 2014). I treat the feminist subject as not already constituted nor fixed, but mutable, variable, and constantly in flux (Butler, 1990; Gardiner, 2005; Cannon et al., 2015) but “capable of self-reflection and agency” (Cornell and Fraser, 1995, p.30). Victims, survivors, and paternity claimants are not treated as monolithic in recognition of their range of different needs, perspectives, and experiences.

Similarly, gender relations are not fixed, but socially contingent, historically and context specific and are reproduced in social, economic, cultural, and political relations of power (Walby, 1990; Shepherd, 2013). Analysis of power relations is core to the “explanatory-diagnostic task of critical theory” (Allen, 2015, p.513). Through analysing power relations “in all of their depth and complexity” (Allen, 2015, p.514), a feminist critical approach essentially seeks to challenge organising logics of power, especially to challenge dichotomous either/or essentialising thinking that reproduces gender and other inequalities.

Feminist theory views knowledge as “historically variable and contestable” (Hawkesworth, 1989, p.545) and feminist epistemology is concerned with the “social situatedness of knowledge in everyday life with inequalities in the global knowledge project” (Hudson, 2016, p.207). An interpretivist approach in the feminist tradition assumes that the researcher and the researched are engaged in co-production of context-specific knowledge in particular relationships of power (Loftsdóttir, 2011). It indicates a rethinking of objectivity in the conduct and interpretation of the research and sees that all research represents an account from specific perspectives and is partial and particular (Gannon and Davies, 2012). The idea of accounting for this in epistemological claims is based on feminist standpoint theories of epistemology, which sees knowledge production as 'situated' in particular contexts which influence what passes as valid knowledge claims. This refers to the idea of seeing all knowledges as situated, indicating that claims to truth depend on the social positions from which they are made (Haraway, 1988). In this way, researchers themselves are responsible in how anything comes to be known, and traditions of what constitutes 'knowing' are implicated in relations of power.

Objectivity in feminist approaches to science means recognising the social, political, economic, and historical positions from which knowledge develops, and requires the research to clearly expose their position and reflexively probe their assumptions and biases throughout the course of the research (Clarke and Friese, 2007, pg.368). Thus, the ability to 'see' from the standpoint of the subjugated is always bound in relations of power that limit the scope of this vision. The implication of seeing and knowing for relations of power has led to the ethical stance that privilege should be "revealed and challenged" (Henry 2017, pg. 183) in all aspects of the research. Pure objectivity then is not possible, but knowledge claims can be made more responsible by critically addressing one's own position in relation to the doing the research.

The practice of doing feminist research, relies on accountability of the researcher to feminist commitments. The researcher should examine their own cultural assumptions, and a "dualistic emphasizes on both the front and backstage of the research process is a crucial resource for obtaining objectivity and legitimating knowledge claims"(McCorkel and Myers, 2003, pg.203). It is also a process of unlearning, or, by challenging one's own assumptions and a commitment to prioritise specific sites of silence and exclusion to build a more accurate picture of realities by looking at experiences and perspectives which are marginalised and silenced, to explore the zones of inclusion and exclusion operating on a topic. It seeks to ask questions that place marginalised groups at the centre of the inquiry and seeks to disrupt " traditional ways of knowing to create rich new meanings"(Hesse-Biber, 2012, pp.3-4) and involves “taking issues of power, authority, ethics, and reflexivity into the practice of social research” (Hesse-Biber, 2012, p.21). I have chosen to adapt Nancy Fraser’s theory of justice precisely to try to grant attention to zones of inclusion and exclusion regarding the status order, distribution of accountability resources, and representation of victims. Centralising an

idea of ‘victim’ as a marginalised gendered, raced, and classed subject has guided the analysis of the data. Attention to discourse has been key to this mode of drawing attention to silences and marginalisation.

2.3.1 A discourse approach

The critical feminist interpretive approach of this research is concerned with how meanings arise, particularly through discourse. For instance, Carol Cohn (1993) describes how gender as a discourse contains a "constellation of meanings" as a "symbolic system, a central organizing discourse of culture, one that not only shapes how we experience and understand ourselves as men and women, but that also interweaves with other discourses and shapes *them*—and therefore shapes other aspects of our world" (pg.228). Thus, gender is about more than individual or societal experiences, but also about social reality more widely. Gender in discourse and social reality as produced refers to more than identities imposed and resisted—it can also signify a powerful ordering logic, a way of establishing relationships of power (Scott, 1986, p.1069), a way of seeing the world as well as a logic constitutive and (re)productive of how global politics are understood and performed (Shepherd, 2010, p.5). Available discourses structure the actions of social actors, but not entirely (Epstein, 2011, pg.343). Everyday encounters, spaces and performances also play a central role in the (re)production of power. Agents carry diverse practices and engage in communications and conversations with other agents through intersubjective encounters (Reckwitz, 2002, p.259). I treat discourses and narratives not as facts but as truth claims that are situated in specific structural contexts and historical circumstances (Klotz et al., 2006, p.359).

This research places an analytical approach that is concerned with change over time, which by its focus on temporality is a form of process research. Process research allows insight into change over time and can involve both inductive data-driven and deductive theory-driven approaches (Langley, 1999). Documents serve as a form of symbolic representation in emergent qualitative document analysis (Altheide et al., 2008; Mende, 2022). Key is to examine how certain concepts and understandings travel together across documents.

UN policies and documents function as tools of governance and means of studying governance (Wright and Shore, 1997). I view these documents as an archive and a site of ethnographic data which views policy documents as ‘cultural texts’ (Wright and Shore, 1997, p.15) that build authority (Hansen 2006) and generate meaning (Aradau and Huysmans, 2014) on accountability in a victim-centred approach. I treat UN documentation as an archive that is productive of knowledge and authority regarding accountability in peacekeeping as a site of global security governance (Hansen, 2006; Aradau and Huysmans, 2014). Analysing discourse in policy documents includes a concern with who has the ‘power to define’ policy problems and their solutions (Wright and Shore, 1997, p.18; see also Milliken, 1999, p.229). As Wright and Shore (1997) argue, policy discourses “work by setting

up the terms of reference and by disallowing or marginalizing alternatives...In the process of a new discourse being formulated, certain 'keywords' undergo shifts in use and meaning" (p.18).

Policy is about more than establishing regulations, technical tools, problem-solving. I understand policy as discourse, which draws attention to processes leading to defining an object of policy and "to the political significance of what remains unproblematized" (Lombardo et al., 2009, p.xvi). Lombardo et al. (2009) argue that understanding policy as discourse draws attention to both the processes leading to something becoming an object of policy and the political nature of the silences involved in what is not made an object of policy (p.xvi). Writing on value of the study of discourse in international relations, Jennifer Milliken emphasises the theoretical role of discourses as systems of signification, as productive, and as "structuring of meaning" in practices (Milliken, 1999, p.230). Carol Bacchi similarly advances analysis of policy as means by which to understand how a particular policy problem is represented, what underlying assumptions and logics are embedded in policy questions and how they "guide proposals for change and problem solving" (Bacchi, 2012, p.22). Analysing policy grants insight into how certain problems are produced, and how these meanings affect action. Examining certain policies support analysis of wider governance issues (Wright and Shore, 1997, p.24), such as how global governance actors conceive of accountability.

Policies also have a role in legitimacy, as they fix the boundaries within which a problem can be understood and what actions should be taken to redress this problem. As Wright and Shore (1997) argue, policy can fix a course of action "within the framework of a wider and more universal set of goals and principles. This works to lend further 'authority' to the decisions taken" (p.11). I view the study of UN policy and officially produced documentation as a matter of norms, knowledge, power, and meaning and interpretation core to analysing modern power relations (Wright and Shore, 1997) that grants meaning to the concept and practice of accountability in global governance.

I view the reports of the UN Secretary-General as an important site of knowledge and power because they represent the approach of the leadership of the UN as an organisation. The Secretariat of the UN, of which the Secretary-General is the head, is the key body shaping and implementing the vast majority of the SEA policy agenda. These reports provide an update on the status of action and demonstrate how information related from relevant peacekeeping components is interpreted and communicated. These reports are also shared with member states and various organs of the UN system and set the standard for how the UN and its member states view the problem. Member states play a critical role as well across the General Assembly, Security Council, the Advisory Committee on Administrative and Budgetary Questions (ABACQ) and Special Committee for Peacekeeping Operations in making recommendations and feeding back to the Secretariat on their approach.

The next section details my research methods and how they allowed me to pursue my research objectives and answer my research questions.

2.4 Research methods

The methods employed in the study include frame analysis, interviews, and quantitative analysis of the UN's database of allegations on sexual exploitation and abuse.

2.4.1 Frame Analysis

Frame analysis is done through identifying the core concepts and the relationships established between them in a particular context of power relations supporting the diffusion of the ideas structuring discussion of a policy issue in political discourses (Ackerly and True, 2010, p.212) in official texts produced by the UN on the topic. Both of my research objectives link to the question of the frame. To understand how the UN has framed accountability for sexual exploitation and abuse between 1992 and 2021 and to identify the constitution of accountability relationships with victims within this frame over time, analysis of the frame is key. By searching for how certain meanings travel across documents or fix identities of victims, I am able to explore how the UN has conceived of accountability and identify discursive changes in their social and political context that grant meaning to the victim-centred approach.

My approach to analysis of the frame is based on the conceptual framework and analytical lens set out in the previous chapter. The lens of recognition, resourcing, and representation from Fraser's (2000; 2008b; 2008a; 2010) theory of justice guided the choice of concepts that were included in the qualitative content analysis.

2.4.1.1 Texts included in the study

215 documents were included in the frame analysis. The official texts reviewed include: UN General Assembly and Security Council resolutions on accountability and sexual exploitation and sexual abuse; reports and bulletins of the UN Secretary General; policy and strategy documents from other departments, including the Advisory Committee on Administrative and Budgetary Questions (ABACQ), the Conduct and Discipline Unit, Department of Peacekeeping Operations, Department of Fields Support, Department of Peace Operations; reports from working groups, including the Inter-Agency Standing Committee and their task forces on Protection from Sexual Exploitation and Abuse and Accountability to Affected Populations; internal oversight body reports, including from the Office of Internal Oversight Services (OIOS), the Joint Inspection Unit (UN); external oversight reports, including UN commissioned expert and independent reports; reports of the Special Committee on Peacekeeping; Special Reports on Peacekeeping (e.g. Brahimi, HIPPO); Grey Reports from the Humanitarian Sector; and one global study on Women, Peace and Security. The annual reports of the Secretary General on special measures for

protection from sexual exploitation and abuse track the development of policy, its implementation, the data on allegations, in addition to proposing further policy initiatives. Further, policy documents set out by the Department of Field Support and the Department of Peacekeeping Operations (DPKO/DFS) provide an interpretation of policy by the military peacekeeping community, and documents of the Interagency Standing Committee (IASC) and their Protection from Sexual Exploitation and Abuse Task Force (PSEA Task Force) offer the perspective of the humanitarian community in peacekeeping contexts. The Special Committee on Peacekeeping Operations (C34) is also a key body interacting on this topic, as holds substantive debates and makes annual proposals and recommendations to UN bodies, funds, programmes, and Member States on the whole question of peacekeeping operations in all their aspects. It regularly considers SEA, categorized in this body as a matter of conduct and discipline. Taken together these reports guide assessment of policy progress and apply political pressure to Member States. Resolutions of the General Assembly and Security Council provide an important picture of agreements and decisions of Member States on the topic.

I found the documents through searches of the UN Digital Library, the UN's Official Document System, the Dag Hammarskjöld Library, the UN Treaty Collection, the website of the Interagency Standing Committee (including the former site that was archived in 2009), the website of the Advisory Committee on Administrative and Budgetary Questions, the website of the Joint Inspection Unit, the website of the Safeguarding Resource and Support Hub, and the website of the UN System Chief Executives Board for Coordination. I was directed to some of these resources through the interviews I conducted with current and former UN personnel and international lawyers and advocates working on the problem. In other cases, I identified additional resources through references made in previous documentation. I cross-checked available reports through the UN digital library, searching for a theme (for example gender mainstreaming) and identify the array of bodies, resolutions and reports produced on a topic. I then systematically checked documentation by resource type. For example, when searching for gender mainstreaming, I was interested in reports produced by the Secretary-General. So, I clicked 'reports' on resource type, filtered so the documents were listed chronologically and then proceeded to download all of the files and put them in a separate folder for coding using adobe acrobat to search and Microsoft Excel to code. I also moved the documents to Zotero to annotate and reference. The documents were selected based on their role in reporting, policy-making, evaluation, and recommendations on SEA, and reflect an 'inside' and 'outside' view of the UN's work on this topic. The next section discussed my approach to coding the documents.

2.4.1.2 Coding of documents

At the beginning of the project, I used Nvivo qualitative analysis software to identify word frequency to assist the identification of emergent themes in the reports of the Secretary

General on SEA. I conduct text searches for ‘victims’, ‘accountability’, ‘justice’ to identify cross-cutting themes relating to accountability relationships, legitimacy, integrity, and transparency identified in the analytical approach. ‘Recommend’ was searched to assist in compiling a list of recommendations across the time period in question. Further ‘protection’ was searched to identify consistent narratives across the analysis. All documents were then reviewed by hand, to establish the context and detail of the content. When I dramatically expanded the scope of the documents to include in the analysis, I no longer had access to Nvivo and used Adobe Acrobat instead. All documents were filed by committee and topic area and using the Ctrl+shift+F function on adobe I was able to conduct keyword searches across large swathes of document and pull them into an excel database. I then conducted a keyword search for ‘sexual exploitation’ to determine if the reports included reference to sexual exploitation and sexual abuse in peacekeeping. I coded the number of times this was mentioned in an excel spreadsheet so I could build a picture of how and where SEA was considered in other thematic areas of the UN’s work. Following this I annotated the specific sections in Zotero on each document so I could pull out the thematic information I needed into my notes for analysis. In this document I also kept a list of searches performed on adobe. I then created additional thematic nodes to code the context within which, for instance ‘peacekeeping’ was mentioned in SG reports on gender mainstreaming. For example, gender training was solely associated with peacekeeping in 2006. I did this so I could both visualise mention of SEA in cross-cutting areas of the UN’s work and analyse the content of the documents. I then went back to the UN digital library to search for resolutions on the topic (e.g., gender mainstreaming) and continued with this same process.

In a spreadsheet I created different sections by keyword search. For instance, under keyword search for ‘sexual exploitation’ to identify where sexual exploitation and abuse were mentioned. I found 11 sub-themes connecting sexual exploitation and abuse to gender mainstreaming in the SG reports on gender mainstreaming. I identified these sub themes by reading the context within which sexual exploitation and abuse were mentioned. For instance, SEA was mentioned in relation to peacekeeper training, the zero-tolerance policy, and plans of action. I coded how many mentions by year fit into these themes as identified. For the keyword search for ‘peacekeeping’ in the same document, I identified nine subthemes connecting peacekeeping to gender mainstreaming. This separation of themes allowed me to identify how certain themes connected to certain keywords (e.g., peacekeeping often connected to gender mainstreaming and SEA rarely connected directly to gender mainstreaming). I excluded from the count references to keyword searches in footnotes or more generalised information so that keywords could be directly connected to content and themes. For example, a list of entities who contributed information towards the production of the annual reports on SEA is not content that I was interested in coding. I then identified themes that overlapped (for instance ‘collate best practice’, ‘gender checklists’ and ‘gender resource package’ were combined under ‘planning to implement gender mainstreaming’). I

ordered each theme by number (1, 2, 3) and kept track of themes that were combined by including a comment box under each new combined theme noting which sub-themes were subsumed under that category (e.g., planning to implement gender mainstreaming includes 1, 11, 19, and 22). As I was moving these counts into a new table, I greyed out the table sections from the previous table that I was drawing on to combine the themes so I could visually keep track of what had been included and excluded.

I then produced a bar chart so I could visualise the main themes and identify which themes were more dominant in discourse. In the review of reports of the Secretary-General on gender mainstreaming, for instance, I was able to identify the top three themes as gender training, gender experts, and the WPS agenda (respectively) and noted a significant gap in discourse on peacekeeping and gender mainstreaming phases one and three. This allowed me further insight as I reviewed and analysed other documents across each of these phases. In this case of little to connection between gender mainstreaming and peacekeeping in Phases one and three, I was urged to look for evidence across other policy documents of references to gender mainstreaming, gender equality, and gender strategies in these phases. Where I had made multiple charts (for instance reflecting relationship between peacekeeping and gender mainstreaming, and SEA and gender mainstreaming), I then copied them into a new spreadsheet to look at the charts side by side to aid my analysis.

Following this iterative process, I decided to prioritise the annual reports of the UN Secretary-General on special measure for protection from sexual exploitation and abuse in coding because they constitute “the most salient information disclosures that the organization is currently making” (Daugirdas, 2019, p.268) both to member states and global publics. The IASC Task Force on SEA has noted that centrality of the annual reports of the Secretary General on *Special measures for protection from sexual exploitation and abuse* as the only report “which attempts the capture the scope of the problem” (IASC Task Force, 2012, pg.19). For documentation not specific to SEA I conducted a lighter search by looking at where, how, and when SEA was mentioned in cross cutting areas, such women peace and security.

2.4.1.3 Coding reports of the Secretary General

Coding reports of the Secretary-General was used primarily to understand how accountability relationships with victims are discursively constituted over time. I conducted a keyword search to understand what meanings dominate or shift at various policy moments and sought to capture how the keywords connected to other words to understand discursive shifts in recognition of victims and understandings of accountability to support fulfilment of both of my research objectives. I began with a primary keyword search (see Table 1) to identify words and themes connect to these keywords.

Victim	Survivor	Adult	Child
Woman/women	Girl	Boy	Man/Men
Mother	Paternity	Accountability	Justice
Gender	Race	Inequality/Unequal	Baby

Table 1 Primary keywords searched.

This initial search was done to identify the multiple ways victims, survivors and paternity claimants were spoken about in the text and where they connected to ideas of accountability and justice.

Following this keyword search I identified other themes connected and conducted a second search and looked for other connections back to production of an idea of victims or accountability. For instance, I identified a dominant theme of protection and when looking at the word ‘protect’, I identified who or what protection was in relation to and coded this in the spreadsheet. The keywords were developed iteratively in conversation with the text and the previous keyword analysis and associated words and identified emerging themes and further keywords to search.

I then began to search for keywords connected to gender and other normative frameworks to identify how these aspects and their presence across documents could help me to understand the normative connection to the UN’s understanding of accountability over time and how victims were connected to these wide norms. I also looked for evidence of directionality in accountability relationships by conducting searches on keywords including “account, answer, outreach, disseminate, feedback, to victims” and so on. Once I had a collation of data points around themes relating to victims, accountability, normative frameworks, and protection, I organised the coded points into I made charts as I went along to identify any significant spikes in thematic areas. I then organised the data around themes according to Fraser’s framework, largely centring around recognition and representation. The vast majority of the charts from this analysis can be found in Chapter 4.

The keywords were developed iteratively in conversation with the text and the previous keyword analysis and associated words and identified emerging themes I simplified the coding into four phases (Phase 1: 1992-2002, Phase 2: 2003-2012, Phase 3: 2013-2016, Phase 4: 2017-2021) so I could grasp a clearer picture of action over time. I locked master worksheets to protect them from accidental insertion or deletion of numbers in cells. I double checked the count as I went along. When I went to combine themes, I locked the master document and moved sub-sections (for instance ‘peacekeeping’ and ‘peace operations’ in coding on reports of the Secretary-General on gender mainstreaming) into a separate spreadsheet.

2.4.1.4 Analysis of evaluations on accountability mechanisms

To support the research for Chapter 5 on accountability mechanisms in field missions I conducted a keyword search across Reports of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Abuse for the word ‘mechanism’. The purpose of this keyword search was to develop an understanding of the specific mechanisms involved in preventing and responding to the problem. I coded this data along three broad themes: (1) prevention, (2) response, (3) coordination and (4) unspecified (see Table 2). This search also helped me identify complaints reception and victim assistance mechanisms as key mechanisms to investigate.

Theme	Prevention	Response	Coordination	Unspecified
Sub-themes	Compliance, Risk mitigation	Receiving, processing, and responding to complaints, assistance to victims, resourcing, and enforcement	Mission, UN Headquarters and Member States	General references to accountability mechanisms and one mention of a human rights mechanism

Table 2 Coding of mechanisms in the initial search of reports of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Abuse

In the initial document search I identified only one evaluation of the victim assistance mechanism and little information in the reports of the Secretary-General on the status of the other mechanisms. I identified further documentation through interviews with participants.

Building on the previous initial analysis of concepts linked to ‘mechanisms’, I then expanded the search to look for evidence of specific working groups, task forces and other entities coordinating or working on complaints mechanisms and victims’ assistance mechanisms. I identified twenty-seven such groups and task forces and identified an additional mechanism of coordination networks as key to understanding the status of the complaints and assistance mechanisms. I was then able to narrow my search on the mechanisms in question through reviewing evaluations, reports, implementation and strategy advice and websites, where available, on these groups and task forces. I identified the Inter-agency Standing Committee website, including two websites and reports of the UN’s Office of Internal Oversight, as key resources for information on the mechanisms of interests. Through snowballing these documents, was also able to identify reports of the UN Secretary-General on financing of peacekeeping operations, mission-specific action plans and guidelines (including from Central African Republic, Democratic Republic of Congo, Haiti, and Liberia), UN agency guidelines as supplementary resources on the status of the mechanisms. I then returned to

the UN digital library website (United Nations, n.d.) and entered Boolean search terms for “complaint” AND “peacekeeping” to identify additional documents referring to the mechanisms in question.

I was able to identify an additional 75 relevant UN documents including UN evaluations, updates, strategy documents, terms of reference, guidelines, activities, information sheets, and lessons learned. This search allowed me to identify specific bodies to search for additional documents to understand the processes and resources allocated to specific activities involving victims, survivors, and paternity claimants and to understand the role and responsibilities of various actors in these activities. This search helped to guide further research into field-based mechanisms that victims, survivors and paternity claimants need to access to participate in formal accountability processes, especially complaints-reception mechanisms, and the role of coordination among actors in missions, at UN headquarters, and with member states in specific processes and activities. I compared the evidence in these documents against UN commissioned independent expert reports, investigative news articles on SEA scandals, and grey reports from organisations outside the UN.

Evaluative and investigative reports provide a meter against which to measure progress described in the committees and documentation described above. The UN’s Office of Internal Oversight Services (OIOS) produces regular reports on progress with respect to SEA, particularly through investigations in specific missions, which regularly include recommendations. Additional reports which set out recommendations for work and which detail the result of investigations into certain missions with high prevalence of SEA are also included. These reports are the 2005 Zeid Report, the 2013 Four mission study, the 2015 CAR Panel Report, the 2015 HIPPO and the 2015 WPS Global Study. These evaluative and investigative documents also serve as important data for assessing the discursive construction of victims over time, in addition to a comparative set of data against which to assess policy actions taken (and not taken).

2.4.2 Quantitative analysis

I conducted quantitative analysis to support an understanding of changes in accountability of perpetrators to establish some understanding of the outcomes of accountability processes advanced in the SEA policy agenda. The concern with outcomes is largely directed at my second research objective, which is to understand how accountability relationships with victims are constituted. The quantitative data comes from the UN’s conduct and discipline database of allegations of sexual exploitation and abuse perpetrated by UN peacekeeping personnel and the UN’s database of allegations involving those other than peacekeeping and special political missions (see United Nations, 2022a; United Nations, 2022b). The database was entered manually into an excel spreadsheet because the full database is not available to download. This analysis was done on Microsoft excel with a purpose of establishing quantitative parameters for progress with respect to investigations

and actions taken by UN peacekeeping actors on SEA. The database was also a valuable source of qualitative insight into the frame analysis. There were multiple categories of basic information regarding categories of victims and reasons investigations had not or could not be conducted that were missing in the data set. The qualitative data takes priority because of a number of limitations in the data sets, particularly the variable types of information inconsistently collected over the time period in question and the absence of contextual information and reporting flaws in such data collection.

2.4.3 Interviews

I conducted interviews with nine individuals who include past and present UN officials, international advocates and lawyers working on the topic, and one member state to try to understand the range of activities and understandings involved in accountability policy and practice on SEA in UN peacekeeping. Initially I sought to understand more about the status of complaints and assistance mechanisms in field missions to support a better understanding of the constitution of accountability relationships through accountability mechanisms in field missions, in pursuit of research objective two. I identified participants through online searches and through a network of contacts provided by my collaborative partner on the study, the United Nations Association UK. But I found that the interview participants I had identified were largely unwilling or unable to speak about these areas. For those who would minimally speak about these areas, I was guided to pre-existing evaluative documentation. However, the information interview participants shared was, eventually during the period of study, largely available in online documentation. As a result, the interview method became less of a priority during the period of study.

Most of these documents I was guided to regarding the status of complaints and assistance mechanisms were produced for or by the Inter-Agency Standing Committee Protection from Sexual Exploitation and Abuse (PSEA) Task Force. A 2010 review found that the Task Force had “created a considerable number of products” which have been described as overwhelming by PSEA team members (Reddick, 2010, p.25). I found it similarly befuddling to navigate PSEA Task Force documentation across four websites¹. Many of the PSEA Task Force guidance and toolkits do not have dates on them, so it was difficult to establish what was decided when and which is the most recent documentation or guidance on a particular topic or intervention. The only way I could identify the core working documents was to follow the train of references on reports and documentation that included a date of publication. What is surprising is that even after conducting numerous systematic searches

¹ The ‘Preventing SEA’ website: <https://www.un.org/preventing-sexual-exploitation-and-abuse/content/data-allegations-un-system-wide> (2) the Archived PSEA Task Force Website (closed in 2019) <https://pseataaskforce.org/>; (3) and the difficult to navigate/search and rather overwhelming amount of reports and meeting records available on the IASC Protection from SEA Accountability and Inclusion Resources Portal: <https://psea.interagencystandingcommittee.org/>; and (4) the UN’s digital library: <https://digitallibrary.un.org/?ln=en>.

on PSEA resources in the four websites mentioned, I still found references to other documentation in reports that did not come up in previous searches. Further, some of the participants I identified were working internationally to support victims' legal claims. There are very few organisations working in this area and I was able to, again, substantiate the claims from participants against publications that came out following these interviews from these organisations.

While not included as official hard interview or transcript data in the study, it is worth noting that I was able to regularly email UN officials regarding questions I had and was able to receive a response quite quickly. I initially viewed these emails as a way of accessing interview participants but found that potentially participants were unwilling or did not respond to interview requests. Instead, two other officials took it upon themselves to communicate with me and answer questions that I had. Most of these answers guided me to a swathe of documentation across multiple parts of the UN's website explaining the status of certain initiatives. On reflection, this exercise in transparency was quite complex. It would be very difficult to understand how I could have been aware of where and what documentation was relevant to the study as much of it was scattered across multiple websites and pages.

Those who were prior UN officials were largely angry regarding UN action on the topic of study. Further, when I was conducting interviews, I was curious regarding accountability practices in field missions, namely those that are the subject of Chapter 5 of this thesis, which include community-based complaints mechanisms and the victim assistance mechanism. I quickly found that officials were entirely unwilling to speak with me about these mechanisms. Further, one participant able to speak was 'watched' by a silent online staff member, suggesting they were limited in speaking openly. This was quite surprising considering the profile of the participant and the public nature of their work. I also found that with some interviews it was not possible to cite them in the work without revealing their identity and violating their rights to anonymity as participants in the research. Instead, I sought out other verifying information that would do honour to the information and knowledge they shared with me, so their contributions have been included.

The interviews with participants do not appear substantially in citations in this thesis due to some of the limitations in evidence and because I was able to find much more evidence among documentation in the UN archives and across the websites of advocacy organisations working on this topic. But these participants have had a significant influence on my thinking and their generosity has, I hope, found its way across these pages.

The next section will discuss reflexive aspects of the research that place limitations on the findings.

2.5 Reflexivity and Limitations

This thesis is about accountability, and part of giving account in research is through the practice of reflexivity. Ultimately the researcher needs to put themselves under as much scrutiny as they place their research subjects under (McCorkel and Myers, 2003) and acknowledge their own complicity in hierarchies of power which marginalize and silence those whose situatedness/positionality reduces access to agency. Methodologically this indicates a commitment to reflexivity, or the researcher's reflective engagement on interpretation alongside acknowledgement of limitations of situatedness and positionality. Who has the power to 'see' or direct their gaze is thus part of the implication of power in the positionality of the researcher in specific social, political, economic locations (Haraway, 1988, pg.586). Knowledge claims have political implications, as whose voices are considered legitimate sources of knowledge has implications for who is authorized to speak (Harding, 1991). All knowledge is understood as partial, "historically situated, and discursively produced; that subjects are constituted within networks of power and knowledge" (Gannon and Davies, 2012, pg.71) making science itself political. Reflexivity involves transparency and reflection regarding how a researcher's positionality in "social background, location, and assumptions" affect the research practice at all levels, from the design, to data collection, and interpretation and dissemination of results (Hesse-Biber, 2012, p.21).

There are a number of my own experiences and actions that have shaped how I have conducted this research that affect how the research findings can be contextualised. This section on reflexivity offers insights into what I have done, why and how it has shaped the research process. I intend for this to provide some personal accountability for my role as a feminist researcher. I came to this project angry with the UN. I was a champion of the UN for more than the decade I spent teaching university and high school students about the UN. I took students to Model UN conference, designed and ran conferences for high school students, and actively sought to promote the ideals of and knowledge about the United Nations. This, for me, was a way of sharing my enthusiasm for the idea of the UN. I then decided to go to places the UN had been on peacekeeping missions and ended up in Cambodia in 2011 and 2012 and left feeling quite dismayed with the UN on both occasions. I spent summers travelling through Bosnia and Sierra Leone trying to understand what 'post-conflict' looked like. These experiences shaped my expectations for what peacekeeping missions could achieve.

Further, when I was applying to do a PhD, I was introduced to a UN investigator for SEA while on a trip to New York with students to attend a Model UN Conference. This female investigator shared her frustrations with me regarding how media outlets and academic researchers portray the work of the UN on SEA. She told me, 'you don't understand how hard it is, investigating these allegations.' At this point she made clear that they were always overworked, under-resourced on what was already a monumentally difficult task of investigating sex crimes and sexual misconduct. She told me how difficult it was for her to

work out the age of the alleged victims where there were no identity documents due to displacement. She'd left the work in West and Central Africa to return to headquarters. This offered a new sympathy to me for the work of the individuals seeking to pursue justice with and on behalf of victims and survivors.

I have had privileged access to the halls of policy making and numerous elite decision makers and have been part of a niche epistemic community on sexual exploitation and sexual abuse in UN peacekeeping. I was also working with an organization that had as principle the aspiration for the UN to work better. This research took place as I was involved in a series of consultations on sexual exploitation, sexual abuse, and conflict-related sexual violence with the United Kingdom's Foreign and Commonwealth Office, Department for International Development, Foreign Commonwealth and Development Office, and All-Party Parliamentary Group on Human Rights. Most of these consultations involved the Protection from Sexual Violence Initiative team of the Foreign Office. I was involved in consultations on the UK's policies on peacekeeping at the United Nations, the development of the peacekeeping aspects of the UK's National Action Plan on Women, Peace and Security, and the development of the Murad Code on gathering and using information provided by victims and survivors of conflict-related sexual violence. Access to these forums also gave me access to the emails of quite a few people, including inside the UN.

The enthusiasm of the team began to shift the anger that I felt coming into the project. This led me to try to approach the research problem from a productive place. This would be a very different project without the work I did with my collaborative partner. My participation and observation of discourses on how policy actors' approach, negotiate and understand accountability has largely reinforced the original reason I wanted to do this project: accounting to victims was rarely acknowledged or tolerated as an option. Critical theory has emancipatory aims, and I hope that this research makes some contribution towards improving the quality of accountability for victims and survivors.

But this partnership also benefits me. The findings of this research will eventually be used to revive a policy campaign, Mission Justice, on accountability for SEA. I will be benefiting professionally from this campaign, but hopefully this research contributes to improving how UN institutional actors advance a victim-centred approach. It is my aspiration that this research is useful for advocacy to promote justice for victims, survivors, and mothers.

I am also the child of a soldier and grew up mostly on U.S. military bases. I had a positive experience as the child of a soldier and often associated military service with valour, honour, and duty. I did not come to feminism, feminist theory, and gender studies until my mid-20s, at which point I was already lecturing on the United Nations at a small university in London. Engaging in the feminist scholarship on militaries, masculinities and security were huge revelations. I come from a position of privilege where I was not compelled through adverse circumstances to engage with these ideas. But I am glad I did. I am privileged in many other

ways as a white, cis, western woman. The people I am concerned with in my research are in vastly different socio-economic circumstances than I have ever had to experience.

It is also worth speaking briefly of the effects of this research on an emotional level. I found it very difficult when I first began conducting analysis of a range of evaluative reports, particularly those produced outside the UN. The description of the violence and harms victims and survivors faced had a profound impact on me emotionally, to the point where when I received an email stating that the database of allegations had been updated and I looked at a number of new victims in the database, I found it very difficult to think of much else. Over time I have had to distance myself somewhat from these stories and disconnect emotionally from these harms. This positionality places multiple limitations on this research that I have tried to mitigate.

The interpretive approach to qualitative research that is aimed at social justice “suggests that programs must always be judged by and from the point of view of the persons most directly affected” (Denzin, 2017, p.12). This interpretive research is limited by not including analysis of the policy problem viewed from the perspective of victims. I am conscious of how the researcher can produce certain types of victim subjects through a victim-gaze (Krystalli, 2021) and on the need in a feminist ethic to be accountable to marginalised voices. I have tried to be very careful not to claim to ‘speak for’ victims while still offering a contribution to how organisations think about representing victims’ interests, needs and rights., I have tried to ethically frame victims as subjects within wider global justice debates. In this way the project does not seek to speak for victims, survivors and paternity claimants or identify what they want, but instead to explore the range of possibilities for how they are constituted in accountability relationships and the impacts this might have for access to justice and/or redress. I do not claim to represent the justice needs or wishes of victims, survivors, or paternity claimants, but instead to understand the political space within which their needs and wishes can be expressed and pursued. I do not take the victim-survivor or paternity claimant subject as a unitary or stable subject but see them “as occupying different subject-positions within discursive practices, positions which are produced by the power/knowledge relations of particular discourses” (Jennings and Graham, 1996, p.271). This is why I have chosen Fraser’s theory of justice as an analytical framework. Fraser’s framework does not seek to represent certain views but asks instead what political space produced through discourse to recognise certain groups of people and support their ability to participate on par with others in issues that affect them. I am interested in how the victim-survivor-paternity claimant subject is produced in discursive practices and what meanings this imbues on understandings of accountability in UN peacekeeping.

Chapter 3 The Emergence of Integrity Concerns: Establishing Codes of Conduct and Standards of Behaviour, 1992-2003

3.1 Introduction

The purpose of this chapter is to situate the accountability agenda on sexual exploitation and sexual abuse in UN peacekeeping in the context within which it first emerged in the 1990s up until the zero-tolerance policy on SEA was adopted in 2003. It situates the political space within which codes of conduct and standards of behaviour were established to promote legitimacy and integrity. The adoption of codes and standards for regulating sexual behaviours of peacekeeping personnel coincide with wider integrity concerns regarding staff conduct within the UN system. As peacekeeping expanded and increased awareness of the negative impacts of a peacekeeper presence hit public headlines, the UN deployed a number of reactive measures to address reputational concerns which tended to divert protection measures towards personnel rather than victims. The key shift occurred when the sexual behaviours of personnel also became a child protection and a sex trafficking issue, which moved the problem of sexual behaviours into a legitimacy and integrity space in a governance frame that led to the adoption of the zero-tolerance policy in 2003.

However, the context within which the zero-tolerance policy was established shaped how the problem of sexual interactions were defined, which was largely in terms of protecting peacekeepers and UN peacekeeping, rather than grasping a wider understanding of the structural context of inequalities and the range of harms imbricated in sexual interactions with UN personnel. This has had an effect on the legitimacy of the core standard upon which the entire accountability agenda on sexual exploitation and sexual abuse relies. A key gap is a lack of a definition of survival sex and other forms of sexual exploitation and sexual abuse that are also forms of corruption. The tendency to view peacekeeper abuse of power and violence as one form of harm has failed to connect it to the wider range of integrity and accountability issues that were already circulating in discussions in the UN system. As the following chapters will demonstrate, the legitimacy of the zero-tolerance policy has had wide-ranging implications on progress in the accountability agenda in the long term.

The neglect to consider the context of the range of structural power inequalities in sexual interactions with peacekeepers has led to misrecognition of victims, survivors and people in host populations. The failure to consider both the status order issues of gender, race, distributive issues of the peacekeeping economy and how these elements interact to produce

a more nuanced understanding of degrees of agency and abuse of power in sexual transactions have led to a narrow definition of sexual exploitation in particular in the standards of behaviour activating the accountability relationship between the UN, peacekeepers and host populations.

This chapter proceeds as follows. First, I set out an understanding of the role of codes of conduct and standards of behaviour in the establishment of an accountability frame for a problem. I then discuss the context within which integrity concerns in peacekeeping were connected to the sexual behaviours of UN personnel, identifying a deliberate framing of the integrity problem as a matter of protecting peacekeepers in the initial response. However, a key shift occurred when children were involved in allegations. I detail how the establishment of codes of conduct signified that the problem of SEA moved into a legitimacy and integrity space leading up to the adoption of the zero-tolerance policy in 2003. Following this I argue that the context within which the zero-tolerance policy emerged had negative effects for the legitimacy of the standard it sets. I argue that there is a key gap in the definition of sexual exploitation, which is that survival sex is not precisely defined. I offer a definition that connects certain forms of sexual exploitation to corruption, which better acknowledges the roles of gendered power in the question of agency in certain forms of sexual transactions.

3.2 Codes of Conduct and Standards of Behaviour

Codes of conduct constitute a form of self-regulation for organisations (Crack, 2019) and are intended to respond to legitimacy threats. Legitimacy threats tend to reflect integrity violations, where the ethics of an institution leads to concerns regarding the quality of governance (Huberts and van Montfort, 2021). These rules signal the first efforts to promote integrity and accountability (Deloffre and Schmitz, 2019). However, codes of conduct tend to be voluntary in nature and there are often no formal processes for evaluating or enforcing the codes of conduct (Crack, 2019). What they do is establish an agreement on key principles and ethics and are used to both improve public image and address integrity threats (Ebrahim, 2003).

Codes of conduct reflect a framing of accountability in terms of the logic of governance (Ebrahim, 2009) which seeks to enhance the legitimacy of an institution (Dubnick and Yang, 2011). They constitute important ethical tools of recognition. What is recognised is acknowledgement of what constitutes an ethical violation. This requires internal reflection on the part of individual and institutions. However, the process and context within which a code is created influences the legitimacy of a code (Ebrahim, 2003, p.820). Where codes of conduct are instrumentalised as a reputational management tool to project the appearance of ethical conduct, the code may have little legitimacy among those meant to abide by them (Roberts, 2009). This chapter details how the legitimacy of the code of conduct on SEA is influenced by the context within which it emerged.

The next section discusses the wider context of concerns with accountability in the UN Secretariat that serve as an important backdrop to the emergence of integrity concerns in UN peacekeeping.

3.2.1 Concerns with staff misconduct and accountability of the Secretariat

The UN Charter states “the necessity of securing the highest standards of efficiency, competence, and integrity” among UN staff (United Nations, 1945, art. 101). Concerns with staff misconduct and accountability of the UN Secretariat first emerged in UN documents in the 1980s. From 1986 the UN General Assembly requested that updates be made to staff rules and regulations, which “should be applicable to all entities under the authority of the Secretary-General...the Secretariat and other subsidiary organs of the [UN]” (UN General Assembly, 1986, p.20). A range of reforms initiated in 1987 led to the introduction of disciplinary measures for misconduct of UN personnel in 1989 (UN Secretary-General, 1989a, para. 12; UN Secretary-General, 1989b). By 1992 the Office of Human Resource Management issued guidance on the equal treatment of men and women and on sexual harassment of other UN employees (Office of Human Resources Management, 1992). The internal focus on staff misconduct indicate the UN was aware to some extent of the problematic behaviours, including sexual behaviours, of its personnel. Staff rules and regulations were updated again in to clarify the regulations for staff officials outside the Secretariat and experts on mission (UN Secretary-General, 1998). The reforms include discrimination, sexual harassment and physical and verbal abuse as prohibited conduct.

The Joint Inspection Unit (JIU), which is the only independent oversight body of the UN system, has considered accountability of the Secretariat regularly since 1993 (see Joint Inspection Unit, 1993), and supported the establishment a new oversight body. The Office of Internal Oversight Services (OIOS) is an oversight body of the UN specifically mandated to address corruption and misconduct within the UN. Built on the principles of accountability and transparency, the body conducts internal audits, independent assessments of the UN’s work, and investigations into fraud, corruption, sexual exploitation and sexual abuse and other misconduct (United Nations, n.d.a). The office was established in 1994 by Secretary-General Boutros Boutros-Ghali to support the Secretary-General fulfil their oversight responsibilities of the Secretariat (UN General Assembly, 1994; Ahlenius, 2010, p.5). It has operational independence in its duties and its meant to inform the Secretary-General on issues relating to integrity concerns.

These concerns with accountability reflected the increased expansion and complexity of UN peacekeeping operations. As UN peacekeeping entered the post-cold war neoliberal era, it expanded the reach of its remit and ambitions. Traditional notes of military and state security merged with people-centred notions of human security as the three pillars of the UN system were brought together: peace-security, development and human rights (Andersen, 2018, p.348). In 1992 the Department of Peacekeeping Operations and Department of Political

Affairs were established to oversee the management of peacekeeping (Andersen, 2018). 1992 was important in many ways for rethinking organizational accountability of the UN, particularly in terms of how to better coordinate across the UN system to improve the effectiveness of the response to complex humanitarian emergencies (Natsios, 1995).

Concerns with protection following failures in Rwanda and Bosnia accelerated international discussions on the reform of peacekeeping mandates, functions and conduct. The reform of peacekeeping in the 1990s expanded the reach of activities and responsibilities in missions and encouraged closer integration. Notions of human security, or people-centred security, mapped onto state-centric and militaristic notions of defence security on contemporary peacekeeping, leading to, for a time, more missions, more troop contributing countries, and more complex and ambitious mandates (Williams and Bellamy, 2021, p.68). These missions intended to respond to the complexity of contemporary crises and to address the many humanitarian and human rights-based challenges emerging from ‘new wars’, notably increased protection challenges. The mandates for protection grew to include multiple thematic areas, including protection of civilians, child protection, protection from sexual and gender-based violence. The 1990s also saw the development of additional normative frameworks, notably on gender equality, empowerment of women and eliminating violence against women. These gender-related norms and peacekeeping’s reform period coincided with emerging global public awareness of sexual activity between international UN peacekeeping personnel and host populations. The next section discusses the emergence of integrity concerns in peacekeeping in the 1990s.

3.3 The Emergence of Integrity Concerns in Peacekeeping

This section sets out the context within which integrity concerns regarding the sexual behaviours of peacekeepers emerged in the 1990s. I first cover how allegations in Cambodia in 1992 were first framed by members of civil society as violence against women. I then show how this discursive frame was adapted to a protection issue that centralised peacekeepers as subjects of protection. Following this, when allegations involving children emerged, I demonstrate how the problem of SEA moved into a legitimacy and integrity space that prompted the adopt of codes of conduct and standards of behaviour. I then lay out the core standard of conduct, which is the zero-tolerance policy, that establishes the accountability standard against which abuse of power should be held to account. I then include criticism of the policy from the feminist scholarship, before outlining a key gap in the understanding of survival sex.

3.3.1 Cambodia 1992: Violence Against Women

The first public framers of the sexual behaviours of UN peacekeepers came from civil society. In 1992 a group of Cambodians, expats and members of civil society sent a letter signed by 171 people to the Head of the UN mission in Cambodia, Yasushi Akashi,

detailing accusations of UN personnel involvement in sexual assault, harassment, intimidation, and other forms of violence against women, including sexual violence of sex workers (Phnom Penh Post, 1992). UN peacekeepers were reportedly implicated in rape, child prostitution, procuring women for military brothels, and abandonment of parental responsibilities for children they fathered (Phal, 1995). The UN mission supported Cambodia's membership to the Convention of the Elimination of All Forms of Discrimination Against Women (1979) the same year, and the letter writers framed their concerns alongside this treaty as a way to emphasize the normative grounding of their claims.

The head of the UN mission first dismissed the problem, and eventually requested that UN vehicles not be parked in front of brothels (Ledgerwood, 1994, pp.7–8). The behaviours of UN personnel were no issue, it was merely their visibility in these acts that made the problem an issue. Akashi did eventually assign a female community relations officer, Hiroko Miyaura, in October 1992 to engage with the Cambodian community and hear the complaints on sexual harassment (Post Staff, 1992; Whitworth, 2004, p.71).

The response to the letter from Cambodian civil society to the UN mission constitutes the start of the SEA policy agenda, as, at least in terms of official records, it marks the first instance of the organisation of advocates to make accountability demands to UN peacekeeping for the behaviour of its personnel. But Cambodia is far from the first instance that the UN was made aware of the problem, as other internal reports evidence allegations of a range of forms of sexual exploitation and sexual abuse preceding 1992. The UN's Group of Legal Experts, for instance, indicated evidence of *decades* of peacekeeper involvement in prostitution, “demanding sexual favours in return for food or employment, sexual assault, rape and paedophilia” (Group of Legal Experts, 2006, II.12). The decades of evidence mentioned could stretch back to the 1980s in modest terms but have likely been an ongoing issue due to the asymmetric power relations between international interveners and the host population characteristic of peacekeeping missions.

Peacekeeping has been associated with the dramatic rise of the sex industry in Cambodia, and later in other countries (Whitworth, 1998; Allred, 2006). Initial inquiries into the Cambodian letter indicate a culture of acceptance of transactional sex among peacekeepers (Ledgerwood, 1994), in what the Cambodian letter writers described as ‘frontier behaviour’ and an ‘anything-goes attitude’ (Phnom Penh Post, 1992) suggesting that international interveners felt entitled to behave as they wished. Weak economic prospects, gendered social structures, intersecting structural inequalities and a militarized environment are understood as a constraint on the exercise of agency people in host populations navigating sexual encounters with peacekeepers, and especially how ‘sex workers’ negotiate sexual transactions with peacekeepers, including how they negotiate sexual and reproductive health.

In one estimate, forty-five per cent of Dutch peacekeeping personnel in Cambodia “had sexual contact with sex workers or other members of the local population during a five-

month tour” and condoms were reportedly not used regularly (UNAIDS, 1998, p.2). Failure to use condoms indicates that members of the local population involved in sexual relations with international personnel had little scope to negotiate protected sex. There were also thousands of children allegedly fathered by UN personnel (Grieg, 2001). The proliferation of transactional sex in a peacekeeping context and irregular condom use quickly led to the ten-fold rise in the spread of HIV/AIDS in Cambodia, particularly among female sex workers, and among peacekeepers (Byrne et al., 1996; Agathangelou and Ling, 2003). When linked to the spread of HIV/AIDs, Peacekeeping actors finally began to act by medicalising sexual behaviours of UN personnel as a threat to the health of soldiers, which the next section will discuss.

3.3.2 Protection Concerns: HIV/AIDS, Human Trafficking and Child Protection

The sexual behaviours of peacekeeping personnel were framed as an issue of sexual harassment and HIV/AIDS, not exploitation or sexual abuse. Through information campaigns and the distribution of condoms, extensive efforts were made to protect peacekeepers in other missions from sexual transmitted diseases and discursively from sex workers as vectors of disease. Such a response is not unusual, as militaries tend to take transactional sex seriously only when a risk to soldiers’ health and/or discipline (Enloe, 2002). Further, in an unprecedented move in 2000, the UN Security Council securitised HIV/AIDS, largely in response to the threat it posed to soldiers serving abroad (UN Security Council, 2000).

In the early 2000s UN contractors and personnel were implicated in organised crime in sex trafficking rings in Bosnia where whistle-blower and civilian policewoman Kathryn Bolkovac exposed the crimes and attempted high-level cover-ups (Bolkovac and Lynn, 2011). In this case the onus of corruption and responsibility fell on the private military and security company DynCorp, who were tasked with police work for the UN mission. But UN mission personnel were implicated in the buying, selling and use and abuse of trafficked women in brothels (UNODC, 2002) and in trafficking women from Serbia to Kosovo “in exchange for free sexual services and money” (Committee on International Relations, 2002, p.112). Critical of the weak efforts to investigate peacekeeper abuses, former UN Human Rights investigator in Bosnia, David Lamb, even argued that “the sex slave trade in Bosnia largely exists because of the UN peacekeeping operation” (Committee on International Relations, 2002, p.69). The implication of peacekeepers in sex trafficking shifted the focus on the problem of peacekeeper’s sexual behaviours.

Cambodia was not the only country hosting a peacekeeping mission that had issues with the sexual behaviours of UN personnel. In Mozambique in 1992 Italian soldiers were implicated in recruiting adolescent girls aged between 12 and 18 for transactional sex (Meisler, 1994; Machel, 1996, para. 98). According to the LA Times, some peacekeepers were sent home

following an investigation, and the deputy chief of the UN mission, Behrooz Sadry, deliberately asked the press to frame the issue in terms of defence of children, not as a sex scandal (Meisler, 1994). This strategic attempt on the part of Sadry to reframe the integrity problem sought to detract integrity concerns away from peacekeepers into a more acceptable narrative. This defensiveness indicates concerns with the legitimacy of the mission itself.

It later emerged that Italian peacekeepers were implicated in rapes of Somali women in the UN mission in Somalia in 1993 (Lupi, 1998). These allegations were treated as exceptional ‘absolutely individual’ incidents (Lupi, 1998, p.378) that did not connect to the legacy of Italian peacekeeper sexual behaviours in Mozambique the previous year. None of the perpetrators in Somalia were prosecuted, and questions have been raised regarding the competency of the investigators and the judge involved in the cases (Lupi, 1998). Peacekeepers were also implicated in other forms of torture and violence against host populations in Somalia (Lupi, 1998; Razack, 2004) and sexual exploitation of children, rape, executions and bombing of civilians in Sierra Leone that were largely perpetrated with impunity (Human Rights Watch, 1999; Malan et al., 2002; Human Rights Watch, 2003).

The sexual exploitation of children by UN personnel set a different tone to that of usual or expected interactions with prostitutes and UN peacekeeping actors began to worry about public perception. The emphasis on child protection as the frame within which peacekeeper abuses could become intelligible was little concerned with the addressing the actual behaviours of UN personnel, who still dominated as the primary subjects in the protection frame. UN Secretary-General Boutros Boutros-Ghali launched an inquiry on peacekeeper involvement in child prostitution (The Associated Press, 1996) culminating in Graça Machel’s (1996) landmark report on the impact of armed conflict on children, which found a correlation between a “rapid rise in child prostitution” and the arrival of peacekeeping troops (para.98). Both Mozambique and Cambodia struggled with child prostitution following the arrival of UN peacekeepers (US Department of State, 1999).

The sexual behaviours of UN personnel with children were key to the codes of conduct that initiated the development of an integrity system for UN peacekeeping.

3.4 Establishing codes of conduct

Establishing codes of conduct and standards against which to evaluate accountability of personnel constitutes the first step in establishing an integrity system. Both peacekeeping and humanitarian personnel engaged in revisions to their codes of conduct throughout the 1990s and into the 2000s. However, UN staff guidelines tended to take an approach that addressed internal sexual harassment rather than treatment of host populations. Peacekeepers, by contrast, explicitly addressed the sexual behaviours of personnel, labelling prohibited acts as sexual abuse and sexual exploitation.

By 1995, the Department of Peacekeeping Operations (DPKO) established a Lessons Learned Unit in 1995 to capture experiences and lessons learned to apply to future peacekeeping operations, including on sexual behaviours of personnel (United Nations, 2012, p.212). They began to advance a focus on gender in peacekeeping that also incorporates discussions on the impact of peace operations on women, including rape, sex trafficking, HIV and sexual exploitation (United Nations, 2012, p.301). A working group was created, an office was set up to deal with the spread of HIV/AIDS, an ombudsperson was hired, and health education campaigns were rolled out (Colm, 1992).

The Department of Peacekeeping Operations (DPKO) and Joint UN Programme on HIV/AIDS (UNAIDS) also produced a pamphlet entitled 'Protect yourself and those you care about against HIV/AIDS' in an effort to encourage peacekeepers to practice 'safe sex' in order to reduce transmission of the virus while on mission, and to prevent them from bringing the virus home (DPKO and UNAIDS, 1998). It include a code of conduct that specifically addressed conduct with respect to sexual acts:

Rule 4: Do not indulge in immoral acts of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children (United Nations, 1998).

The code of conduct states the obligation of personnel to report instances of sexual or physical abuse perpetrated by UN personnel, and these initial actions by DPKO indicate an acknowledgement of the problem of sexual exploitation and abuse, as well as an understanding of the role of gendered power relations in interactions between international personnel and the host population. DPKO was ahead of the game in explicitly acknowledging the issue of power also as a matter of protection. An understanding that asymmetric power relations constitute a driver of abuse of power has so often been neglected in later policy phases. The discourse of awareness of asymmetric power relations has not consistently made its way into shaping the policy response, particularly in relation to survival sex, which wrongly tends to be equated with prostitution.

The Special Committee on Peacekeeping Operations made several requests for the development of a code of conduct for peacekeeping personnel. In 1993 member states in the committee expressed "an urgent necessity to develop and then maintain uniform and high standards" for operations (Special Committee on Peacekeeping Operations, 1993, para. 32) and in 1995 they asked the Secretary-General to develop a code of conduct for peacekeeping personnel that is "consistent with applicable international humanitarian law, so as to ensure the highest standards of performance and conduct" (Special Committee on Peacekeeping Operations, 1995, para. 73).

UN Secretary General Kofi Annan then released a bulletin for staff conduct and discipline which stated the duties of UN forces to observe international humanitarian law (IHL) (UN Secretary-General, 1999). The bulletin specifies that civilians should not be treated inhumanely, and that, among others, "rape; enforced prostitution; any form of sexual assault

and humiliation and degrading treatment; enslavement; and pillage” are prohibited “at any time and in any place” (UN Secretary-General, 1999, para.7.1).

The 1990s also saw a clarification of the disciplinary space within which perpetrators could be held accountable. At this stage, the UN emphasised the responsibility of member states to hold perpetrators to account, quickly drawing boundaries on the limits of what the UN can do in response, which was to send troops home (The Associated Press, 1996). In 1999 the Special Committee on Peacekeeping Operations clarified that national contingent commanders had sole authority for disciplinary action (Special Committee on Peacekeeping Operations, 1999, para. 57). By 2000 the committee requested the Secretary General to develop guidelines for responding to misconduct, in consultation with Member States (Special Committee on Peacekeeping Operations, 2000, para. 65).

It became clear that much more attention was needed to the problem of peacekeeper sexual behaviours when further allegations of sexual abuse and exploitation of children in West Africa hit international headlines in 2002, (UNHCR and Save the Children-UK, 2002a; Gillan, 2002). A report on the allegations centralised issues with children exchanging sexual services for essential resources, which they termed survival sex (UNHCR and Save the Children-UK, 2002b).

These allegations activated an additional element in the integrity system by incorporating a response from the UN’s oversight body. An investigation was launched through the Office of Internal Oversight Services (OIOS) in late 2001 when they were first notified of the allegations. By the end of the year OIOS (2002) released their investigative report, which was not able to verify the original allegations but identified substantial evidence that survival sex and various other forms of sexual exploitation and sexual abuse perpetrated by humanitarian *and* peacekeeping personnel were endemic in the refugee camps in question. The public international outcry to allegations of child sexual abuse in West Africa in 2002 prompted a significant shift in UN peacekeeping’s attention to SEA by interveners, which activated concerns with legitimacy and integrity that led to the introduction of the SEA policy agenda.

3.4.1 Moving into a legitimacy and integrity space

Various committees in the UN system were involved in placing accountability demands on the Secretariat, especially within UN peacekeeping, to develop a response to the problem of the sexual behaviours of UN personnel. By 2002 peacekeeper’s sexual behaviours were defined in terms of their relation to increased prostitution, trafficking and sexual exploitation of women, and violence against women (UN Secretary-General, 2002a, para. 45). There was an acknowledgement that sexual exploitation and sexual abuse by interveners extends beyond the allegations recorded in West Africa, that humanitarian and peacekeeping actors were among the perpetrators, and that socio-economic structural conditions in peacekeeping and conflict economies are conducive to SEA (United Nations, 2002, para. 330).

The following year ‘abuse of power and sexual exploitation’ and the problem of integrity of UN peacekeeping personnel were considered by the Special Committee on Peacekeeping Operations (C34) (2003) for the first time. Some form of the repeated phrase articulating the need address the conduct and discipline of personnel so they “function in a manner that preserves the image, credibility, impartiality, and integrity of the United Nations” (Special Committee on Peacekeeping Operations, 2003, para. 180) appears in most reports between 2004 and 2021. Notably, repetition of the phrases frequently links issues of discipline to poor relations between interveners and local populations.

The UN General Assembly also adopted a resolution on the investigation into the allegations in West Africa and set out requests for action on prevention and response, which should be integrated in protection and assistance functions of peacekeeping and humanitarian personnel (UN General Assembly, 2003, para. 4). The resolution uses operative clauses including ‘requests’ and ‘encourages’ action in a number of areas. This differs, for instance, from firmer language that might employ operative clauses such as ‘calls upon’, ‘strongly urges’ or that imply firmer action should be taken. But what the resolution does do is draw greater attention to the problem of the sexual behaviours of UN personnel in peacekeeping missions and humanitarian crises and establishes the problem as an agenda item requiring the Secretary-General to take certain actions to prevent and respond to the problem and to report to the General Assembly on these actions (UN General Assembly, 2003, para. 12).

This resolution also requested provisions for reporting and investigating allegations, holding personnel accountable for ‘sexual exploitation and related offenses’, and regular reporting and maintenance of data on the number and status of *sexual exploitation* cases (UN General Assembly, 2003, para.12). This resolution reflects an assumption the core problem was that peacekeepers engaged in transactional sex, despite past evidence of rape and other forms of sexual abuse. It also constitutes an expanded approach to the governance frame characterising the accountability space on the sexual behaviours of UN personnel and marked the beginning of the official SEA policy agenda. A governance frame constitutes the first step in framing an accountability problem, in that it identifies a standard activating integrity concerns. The typical approach to a governance frame is view the integrity or legitimacy problem as a matter of not having appropriate standards and/or personnel not having the right information regarding their expected conduct (Ebrahim, 2009). The next section discusses that standard that activated the governance frame in a formal policy agenda.

3.4.2 The Zero-Tolerance Policy

Implementation of the General Assembly’s resolution involved the adoption of the Secretary General’s (2003b) Bulletin on *Special Measures for Protection from Sexual Exploitation and Abuse* and the production of annual reports to the General Assembly on the status of progress to prevent and respond to the problem. These codes of conduct for UN staff, including humanitarian personnel, and peacekeeping personnel were connected to a single

policy: the Secretary-General's bulletin on 'special measures for protection from sexual exploitation and sexual abuse' in 2003, which It defined the terms sexual exploitation and sexual abuse and established a code of conduct known as the 'zero-tolerance policy' (UN Secretary-General, 2003b). The policy applies to all UN staff and essentially prohibits all sexual interaction between international personnel (both military and civilian/humanitarian) and host civilians; however, there is room for discretion. The commander in charge of a unit can decide not to report the sexual relationship if they do not see it as harmful. The code is not legally binding, but it intends to prevent further cases of SEA by providing information on what constitutes sexual misconduct.

The code of conduct establishes definitions of the types of behaviours that account to sexual misconduct. Sexual exploitation is defined 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 exploitation may refer to various forms of transactional sex, including prostitution, the exchange of sexual services for financial and material resources, and sex trafficking. Sexual abuse is defined as "the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions" (UN Secretary-General, 2003b).

This bulletin constitutes the core policy regulating the sexual behaviours of UN personnel. As a policy it facilitated the establishment of an integrity system for sexual exploitation and sexual abuse at the UN. The UN Secretary-General has released an annual report on *Special measure for protection from sexual exploitation and sexual abuse* since 2004 as a transparency mechanism to report back to the General Assembly on the status of efforts to implement the zero-tolerance policy and respond to allegations of sexual exploitation and sexual abuse implicating UN personnel. However, the zero-tolerance policy itself has a number of problems that have been a key area of debate in the feminist scholarship.

There are multiple problems identified with the terminology characterizing sexual exploitation and sexual abuse. These can be categorised into problems of representation, in terms of how local people, especially women, are viewed in terms of agency, problems of redistribution regarding the economic basis of inequality and precarity that can affect the exercise of agency, and problems of recognition which have to do with hierarchies of gendered power that devalue or subordinate certain identities.

The zero-tolerance policy has been extensively critiqued for denying local people the possibility of consenting to sex, especially transactional sex (Higate, 2007; Ndulo, 2009; McGill, 2014; Otto, 2007). Feminist legal theorist Diane Otto (2007) argues that moralising sex, or assuming sex as harmful reinforces "stereotyped assumptions about the sexual vulnerability of women and girls in the face of sexually predatory military men" (pg.262), granting "disproportionate explanatory power" to sex (pg.278). She describes this as a "repressive sexual code" which has implications for seeing host populations as human-rights

possessing agents which conveniently detracts from addressing the root causes of sexual exploitation and sexual abuse (Otto, 2007, pg.278). Others add that because most perpetrators are male and most populations humanitarians work with are female, the policy's conflation of consensual and coercive sex reinforces "the portrayal of sexual power as being located with men" (Matti, 2015, p.640). This sexual harm narrative which describes sex between peacekeepers and beneficiaries gives agency to the men and not to local women and girls. The way that sexual agency of host populations is presented limits the extent to which they are viewed as human-rights possessing agents. It may also reinforce the assumption that men are, perhaps, naturally predatory and are expected to solicit prostitutes and are somehow in need of access to sex in their capacity in peacekeeping missions (Higate, 2007). This determinist approach to sex also reifies women as weak, vulnerable and subordinate to the foreign interveners, interveners who they must be protected from, thus naturalising harmful gender norms (McGill, 2014, pg.23; Otto, 2007; Shepherd, 2013; Kirby and Shepherd, 2016). The impossibility of sex-as-consensual, as longer-term relationships, as work or even as pleasure denies the agency of the victims the policy is directed towards (McGill, 2014).

Others have foregrounded the issues of how the gendered nature of peacekeeping economies affects the ways that agency can be viewed in sexual interactions. Peacekeeping economies comprise of a range of economic transformations associated with the arrival of the resources accompanying a peacekeeping mission, including jobs for local staff to work with the mission or NGOs, informal domestic work that might include cleaning or gardening, businesses that cater to peacekeepers, and the sex industry (Jennings, 2014). There may be few options available for survival where gendered social roles limit access to paid employment for women or other caregivers who are expected to provide for those under their care. For Ndulo, these circumstances make consent 'immaterial' in a peacekeeping context (Ndulo, 2009, pg.146).

Perceptions of agency that are not grounded in these structural contexts may lead to the view that transactional sex with people in host communities is not only as normal or expected, but also as morally acceptable behaviour for peacekeepers (Mazurana, 2005; Jennings, 2011). Higate and Henry (2004) found that peacekeepers assumed that local women chose to engage in sexual services and that they had very little awareness of the contexts of the women's lives or power inequalities between them and local women and children. Similar misperceptions of normative gendered relations were found in Haiti and Liberia, where UN informants understood local residents, especially women, as available for sex and transactional sex (Jennings and Nikolić-Ristanović, 2009, pp.6-7). Sexual exploitation and sexual abuse have been described as a 'continuum of sexual interaction' rather than two distinct forms of sexual interactions or harms (Kolbe, 2015, p.3). This continuum situates gendered structural inequalities and the degrees of agency and coercion involved in sexual interactions across a spectrum.

Another area of focus has involved attention to the behaviours associated with the many different forms SEA may take, and their causes (Otto, 2007; Simić, 2012; McGill, 2014). As

identified by Westendorf and Searle (2017), while all forms of SEA are sexual in nature, the behaviours of perpetrators vary significantly from negotiated transactional sex involving some degree of consent to opportunistic sexual abuse, networked sexual exploitation, which includes sex trafficking, and planned sadistic sexual torture. These behaviours and the structural contexts within which they occur convey varying degrees of agency and abuse of power involved in peacekeeper/UN personnel-host community interactions (Westendorf and Searle, 2017). Some of these behaviours are criminal, but others are not necessarily criminal acts. Criminal forms of sexual exploitation and sexual abuse also constitute forms of sexual violence, including rape, sexual assault, forced prostitution, trafficking, sexual enslavement. Sexual violence is defined as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting (OHCHR, 2014).

Many of the challenges in the content of the zero tolerance policy surrounds issue of consent and harm in transactional sex. Some cases of SEA constitute sexual violence where consent was not obtained, and all acts of sexual violence are forms of sexual exploitation and sexual abuse. However, not all forms of sexual exploitation and sexual abuse are acts of sexual violence where consent may be said to have been given. The zero-tolerance lacks clarity regarding what forms of sexual relations are exploitative, which are forms of sexual violence and which constitute criminal acts, which has implications for its legitimacy.

Those who have interviewed peacekeepers and UN officials for research in this area heard frequently that “the zero-tolerance policy was virtually impossible to credibly and consistently enforce (Jennings, 2011, pg.3). Peacekeepers themselves have described the policy as “ridiculous” (Jennings, 2019, pg.36). Concerningly, training on the zero-tolerance policy have been evidenced as ‘primarily intended to stigmatize’ local people and ‘scare peacekeepers’ with the threat of false allegations” (Jennings, 2019, p.35). The three challenges of representation, redistribution and recognition identified in the feminist scholarship support the idea that there is a gap in the policy. In the next section I argue that one specific gap lies in the lack of a definition of survival sex, which should be connected to a legal concept of corruption.

3.5 Gap in the Zero-Tolerance Policy: Sexual Forms of Corruption

Questions regarding consent in sexual transactions were at the centre of attention in discussions related to establishing ethical standards for sexual behaviours of personnel. The OIOS investigation into the allegations in West Africa identified a distinction between ‘consensual relationships that occurred as a result of the exploiter’s position of power’ (OIOS, 2002, p.3), and “cases involving persons in power or authority taking advantage of female refugees and those involving adult prostitution” (OIOS, 2002, para. 43). A perennial problem in SEA relates to the perceptions of sex exchange for material or financial resources

needed for survival as consensual prostitution. The term survival sex is not defined in the zero-tolerance policy, nor does it have a legal definition. The term ‘survival sex’ is not mentioned a single time in any of the annual reports of the Secretary-General on *Special Measures for Protection from Sexual Exploitation and Abuse* between 2004 and 2021. Instead, there are an array of terms used to describe various forms of exploitation (see Figure 1), including exchange of sex for money, food, water and security. Across all of the UN documents reviewed for this study survival sex was only mentioned in seven documents.

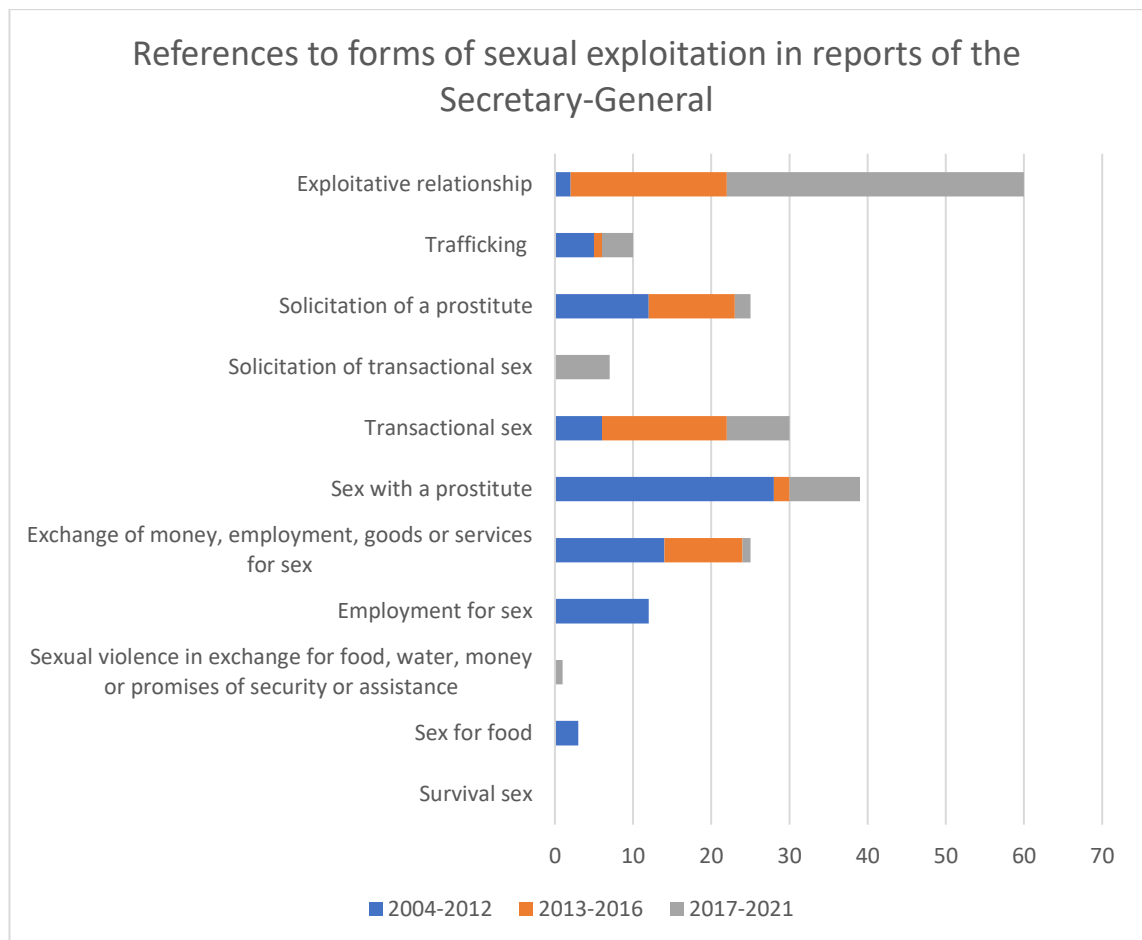


Figure 1 References to forms of sexual exploitation in reports of the Secretary-General on Special Measures for Protection from Sexual Exploitation and Abuse, 2004-2021

The first mention was in the DPKO’s 1998 booklet *Protect Yourself and Those you Care About, Against HIV/AIDS*. This booklet included an acknowledgement that “[w]omen, children and men sometimes have to sell sex for survival, and the women and children you meet may be particularly vulnerable” (DPKO and UNAIDS, 1998, p.7). It next appears in the investigation into the West Africa allegations (OIOS, 2002, para. 40) and later allegations in the Democratic Republic of the Congo (DRC) where survival sex with peacekeepers was reportedly prevalent, particularly among young girls as “a means of getting food and sometimes small sums of money” (OIOS, 2005, para. 11). Later references indicate a connection between survival sex and under-reporting (UN Secretary-General, 2009b, para. 60; Coomaraswamy, 2015, p.147). The final mentions of survival sex are in the 2018 report

of the Secretary-General on conflict-related sexual violence. Here there is a reference to socio-economic inequalities and insecurities that produce risks of “transactional sex and/or ‘survival sex’ and commercial sexual exploitation”, but it is not discussed in relation to peacekeeping (UN Secretary-General, 2018a, p.7). However, this discursive shift is significant in that by adding the and/or it indicates that survival sex could be considered distinct from other forms of transactional sex.

The few feminist scholars writing on the problem in peacekeeping tend to take both broad and narrow approaches to concept. McGill (2014) defines survival sex broadly as transactional sex resulting from a form of economic decision making to secure basic needs and a livelihood. But McGill’s broad definition of sexual exploitation as survival sex obscures the multiple contexts, behaviours and degrees of coercion and agency, and harms involved in transactional sex in peacekeeping economies. For instance, Kathleen Jennings (2014) found through interviews with sex workers in mission sites in Liberia and the Democratic Republic of Congo that some sex workers engaged in transactional sex “to maintain or improve their standard of living” and to pursue relationships with peacekeeping personnel (p.319). The danger of conflating all transactional sex with survival sex obscures the contexts within which sexual transactions occur.

Cassandra Mudgway adopts a narrower definition of survival sex as the exchange of sex “for aid or assistance which is already owed to the population” and argues it should be considered a form of violence against women under international law (Mudgway, 2017, pp.1453–1454). However, not all forms of survival sex solely affect women. But this definition sees survival sex more closely connected to meeting basic needs for survival.

An alternative concept of the experience of survival sex is sexual corruption, referred to as sextortion. The concept of sextortion was coined by the International Association of Women Judges (IAWJ) in 2012 to refer to when sexual assault or sexual abuse coincide with corruption in “abuse of power to obtain sexual [favours]” (IAWJ, 2012, p.13). The abuse of power for personal profit or benefit is the common definition of corruption (Transparency International, 2014). Sextortion occurs when “someone in a position of authority and trust, who holds the power to grant or deny something the victim needs and wants” extorts sexual favours in exchange for the needs or wants of the victim (IAWJ, 2012, p.30). It is a form of corruption because it involves abuse of power or authority for personal benefit. The links between corruption, conflict-related economies, and “wide-spread prostitution, especially child prostitution” were previously observed in a 2006 UN report on misconduct in the mission in the Democratic Republic of Congo (Dahrendorf, 2006, pp.66–67). However, the connection between these issue areas in the years that follow has largely been disparate.

For the Schwickerath (2018, p.288), the scenarios in which peacekeepers abuse power through making demands for sexual services in exchange for basic needs or protection constitute abuse of authority for personal benefit, which are forms of both sexual violence

and corruption. There is no precise legal definition of sexual corruption, but the concept grants insight into the broad spectrum within which transactional sex and forms of sexual exploitation can be understood in terms of the behaviour of perpetrators and degrees of consent given by people in host communities. I have previously identified how peacekeeping personnel profited monetarily and through sexual services from engaging in corruption in cases of human trafficking, but there are multiple additional categories of sexual exploitation and sexual abuse that warrant attention from a corruption perspective, including exchange of jobs for sexual services, and retaliation and intimidation of victims and witnesses as matters of obstruction of justice, and survival sex. The Secretary-General (2005c) has noted the fear of victims in coming forward and states: “in cases involving exchange of money or employment for sex there is little incentive, economic or otherwise, for victims to come forward to report” (para.11). But this lack of incentives can also be due to fear of retaliation, including violence, and basic survival needs.

In addition to complicity in sex trafficking, including child sex trafficking rings in Haiti from 2005-2016 (Dodds, 2017), other reports evidence UN agency workers asking for sex in exchange for jobs (Flummerfelt and Peyton, 2020), repeatedly asking for sexual favours following employment as a condition on the receipt of a salary (UNHCR and Save the Children-UK, 2002b, p.5), threatening and pursuing retaliation or bribing victims not to report complaints (Csáky, 2008; IASC and CEB, 2019). The Zeid report also evidenced widespread abuse, including instances of ‘rape disguised as prostitution’, where victims were given money or food following rape to give the impression of consensual relations (Al-Hussein, 2005, para. 6). There are many more cases across external, internal and independent reports of actions that amount to forms of corruption connected to sexual violence, sexual exploitation and sexual abuse.

Miranda Fricker (2007) conceptualises a particular hermeneutical form of epistemic injustice in which a shared experience of injustices lacks a relevant critical concept. The author identifies this form of injustices as a matter of structural power in which social institutions and practices that produce social meanings, such as patriarchy, do not offer a concept through which to comprehend a particular experience of injustice (Fricker, 2007). Similarly, producing an inadequate concept that wrongly interprets an injustice reinforces injustice by limiting the bounds within which a particular experience can be made intelligible. For example, instead of the concept sexual harassment, the act of inappropriate sexual behaviour may be conceptualised as flirting by powerful groups (Fricker, 2007, p.155). Matti (2015) has also argued that in the humanitarian sector codes of conduct operate to construct identities of humanitarian workers and beneficiaries in ways that reinforce rather than challenge power inequalities (Matti, 2015, p.641). The zero-tolerance policy, without clarification regarding survival sex, reinforces rather than challenges inequalities at the root of the problem.

The Global Network of Women Peacebuilders have recently supported the idea that some forms of sexual exploitation and sexual abuse are also forms of corruption (Caarten et al.,

2022). The introduction of the concept of sextortion brings new meaning to understanding certain forms of sexual exploitation and sexual abuse and an additional legal and normative toolkit. For example, the UN Convention Against Corruption includes provisions for states to establish jurisdiction for offences committed on its territory (United Nations, 2004, art. 42). The United Nations adopted the only universal legally binding anti-corruption instrument, the Convention against Corruption, in 2004. This convention situates corruption as a governance, criminal justice and rule of law issue (United Nations, 2004) but does not provide a comprehensive definition of corruption. Instead, it outlines action to prevent and respond to many different forms of corruption, including criminalizing embezzlement, bribery, fraud, obstruction of justice, collusion, extortion, and other forms of corruption which can occur both among high-level officials (grand corruption) and in everyday duties of public officials (petty corruption) (UNODC, 2011). It includes obligations for member states to prevent and respond to corruption, including through establishing codes of conduct for public officials that promote “integrity, honest and responsibility” (United Nations, 2004, art. 8).

The convention includes obligations of state parties to adopt legal measures for public officials who solicit or accept an undue advantage for themselves or another (United Nations, 2004, art. 15.b), for officials abusing their power to obtain undue advantage while discharging their official functions (United Nations, 2004, art. 19), for obstructing justice including through intimidation or retaliation (United Nations, 2004, art. 25). It also includes provisions for individuals or entities to seek compensation for damage resulting from an act of corruption (United Nations, 2004, art. 35). The Convention also has 140 parties, including Haiti, Liberia, DRC, Central African Republic, South Sudan and other countries who have or who are currently hosting UN missions (United Nations, 2022a). For forms of survival sex that can be legally defined as forms of corruption, the convention offers a potential additional instrument through which to prosecute perpetrators.

Westendorf and Searle (2017) identify networked SEA as one form of behaviour affiliated with perpetrators of SEA, which includes sex trafficking. Sex trafficking is often connected to corruption and can include “ignoring, tolerating, participating in and organizing” trafficking (UNODC, 2011, p.7). Money laundering of profits, obstruction of investigations and legal proceedings, including compromising access to victims or selling information on them that affects their safety or cooperation in investigations also constitute forms of corruption (UNODC, 2011, pp.7–8).

Governance and corruption issues in peacekeeping coincided with wider issues in other parts of the UN, especially following the revelation of corruption in Iraq’s oil-for-food programme (BBC News, 2005). The Independent Inquiry Committee commissioned by the UN Secretary-General to investigate corruption in the oil-for-food programme found a corruption-prone environment among UN staff in Iraq, where personnel were implicated in bribery, bid-rigging, sexual harassment, sexual assault and other practices (Independent

Inquiry Committee, 2005, p.160). This scandal prompted the reform and formation of integrity systems across the United Nations, beginning with the establishment of the UN's Ethics Office (Da Veiga and Major, 2019) to ensure that UN staff behave with the highest standards of integrity as required by the UN Charter (UN Secretary-General, 2005a, p.5). The Ethics office is one part of the establishment of an accountability system in the Secretariat. SEA has been excluded from these corruption concerns. This exclusion demonstrates an injustice of the mapping of the political space within which the abuse of power in survival sex can be understood. Failures to consider the issues of misrecognition and abuse of authority by UN personnel and maldistribution in the political economy of peacekeeping affect the extent to which local people can be said to participate on par with others in negotiation sexual transactions. This is a key injustice.

3.6 Conclusion

In the 1990s the problem prompting the adoption of codes of conduct and attention to sex trafficking, HIV/AIDS and protection of children was not framed in the context of the abuse of power by UN peacekeepers and related personnel. Individual commanders and UN peacekeeping institutional actors intentionally did the work of framing to divert attention away from the behaviour of peacekeepers as a problem to be solved. Peacekeepers were cast instead as subjects requiring protection from the dangerous spread of HIV/AIDS, other sexually transmitted infections. The moralisation of sex work and division of sex workers into 'innocent victims' and 'dangerous disease spreading' agents produced a frame within which transactional sex produced select categories of victims who were largely excluded as subjects of protection. However, increased awareness of child sexual abuse by peacekeeping personnel saw a greater focus on protection of children more generally. This focus on protection of children rather than protection from international interveners was an intentional frame produced to control the narrative on the image and reputation of peacekeeping operations. UN peacekeeping actors shifted the issue of peacekeeper involvement in sex trafficking to a narrative of protection from sex trafficking led by organised criminal networks.

The decision not to name UN personnel as the problem constitute deliberate framing on the part of UN peacekeeping actors. Framing as a policy process operates on models of inclusion and exclusion, and the decision not to frame one aspect of a problem is also part of the process of framing. This a strategic form of framing connected to concerns regarding legitimacy threats. The framing of sexual behaviours as protection matters diverted attention away from the idea that host populations should be protected from peacekeepers, or indeed that host populations could be consulted with to develop strategies to redress the behaviour of UN personnel and the contexts in which abuse occurs. Instead, protection was framed as an issue of information, whereby peacekeeping personnel needed access to information

regarding their health and expected behaviours as sufficient criteria upon which to promote protection and to protect themselves.

The concept of accountability as approached in this research relies on two factors: an accountability relationship constituted between two subjects, and a standard to which the power wielder in that relationship should be held to account. The standard to which peacekeepers are held in the zero-tolerance policy lacks sufficient legitimacy conceptually. Clarification of the zero-tolerance policy is essential to ensuring that the standard is legitimate and can promote just accountability relationships. The zero-tolerance policy is limited by the views it places on the agency of local people and the power of international personnel in transactional sexual encounters. Robust gender analysis of the contexts within which transactional sex manifests as forms of corruption would aid the development of a clear code of conduct that accurately reflects the gendered power relations at play in sexual encounters with international personnel. The failure to consider gendered power more deeply in transactional sex has contributed to silences regarding forms of corruption host populations face at the hands of peacekeeping personnel. I have offered just one option for how the concept of survival sex could contribute to legitimising this standard, but it is far from the only option. Missions may even need to adapt the policy based on the context of the countries and communities within which they operate. But, adding the legal concept of corruption into the accountability agenda on the problem could open up political space for rethinking power relations involved in certain forms of sexual transactions.

Chapter 4 Framing Accountability: Governance, Performance and Mission, 2003-2021

4.1 Introduction

This chapter analyses the frame within which UN peacekeeping institutional actors approach accountability and analysis the discursive constitution of accountability relationships with victims between 2004 and 2021. Drawing on Ebrahim's (2009) normative logics of governance and Dubnick and Yang's (2011) promises, I identify three phases of framing: governance, performance and mission. I unpack the implications of these frames and the integrity systems that followed from them against the context how they came into being amidst rising integrity concerns, accountability demands prompted by public crises, and internal debates within the UN system regarding its responsibilities for accountability.

As Buchanan and Keohane (2006) identify, global governance institutions are often in disagreement regarding the requirements of justice, but when institutions at a minimum demonstrate the capacity for involve 'the capacity for *revising the terms of accountability*', there is normative legitimacy (italicised in original, p.429). As this chapter demonstrates, these disagreements within how accountability has been framed is a core aspect of understanding the approach to accountability for SEA. The UN has added new frames into its approach, demonstrating there have been deliberations and revisions made to the UN's and UN peacekeeping's understandings. The production of victims in accountability relationships within these frames has also undergone a few shifts, largely from constituting no moral relationship with victims as agential subjects to finally beginning to bring them into the discursive political space from 2017 onwards. This signifies that the new approach does demonstrate emergent changes in constituting accountability relationships with victims. While promising, the limitation of this discursive shift is that it narrowly stops at the point of acknowledging basic responsibilities to victims, which have been neglected in previous years.

The chapter is structured as follows. First it will include a brief discussion on the characteristics of three accountability frames. It then considers the period between 2004 and 2012, which is characterised by a merging of a governance and performance frame over time. I outline the limited ways in which accountability relationships were constituted with victims during this time period. I then situate accountability reforms in the SEA agenda against the backdrop of internal debates regarding a definition of accountability for the UN and the

series of reforms that followed. I discuss how the reactive and defensive approach to accountability in these deliberations is mirrored in the crisis in the Central African Republic in 2015 that prompted the announcement of a new victim-centred approach. I then argue that the new approach indicates a shift towards a mission-oriented frame, which more closely links accountability to the goals of the UN and a wide range of relevant normative frameworks. This shift is also evident discursively in the constitution of accountability relationships with victims, particularly in terms of how victims are recognised and represented in discourse. I then conclude the chapter.

4.2 Framing accountability in the SEA agenda

The feminist scholarship on SEA has been critical of the motivations and the rationales embedded in the UN's accountability agenda. Kanetake (2010) views the response as rooted in public intolerance to SEA, for which the "the UN cannot afford to dismiss the issue" (pg.202), intolerance which challenges the UN's reputation. The measures in place in the UN's SEA accountability agenda have been described as technical or administrative responses which conform to the "norms that contributing to the problem of SEA" (Smith, 2017, pg.407). The scholarship in this area has not considered the context of wider deliberations regarding accountability in the UN system that have shaped the development of the SEA agenda nor how the frame within which accountability is articulated shapes what can be done.

I approach the frame of accountability by looking at the relationship between how the problem is identified, the mechanisms incorporated and the logics of the expected outcome. Ebrahim (2009) outlines three streams of normative logics that I refer to as the accountability frame (see Table 3). The governance frame identifies the accountability problem as a matter of the failure of appropriate regulation and/or a lack of information regarding expected standards of behaviour. The performance frame constitutes a development from the governance frame. The two co-exist, but the performance frame may come to dominate. Performance-based accountability is often concerned with efficiency and results, and prioritises skills development, evaluative, punitive, and transparent mechanisms to improve the effectiveness of an institution and its personnel (Ebrahim, 2009). How effectiveness is defined can include another frame of reference determined through how institutions share the facts of their performance, which can be instrumentalised (Dubnick and Yang, 2011).

The performance frame includes the establishment of an integrity system. Integrity systems include "a mix of institutions, laws, regulations, codes, policies and procedures, which together combine to form a framework and develop a culture of checks and balances, aimed at fostering stronger accountability and integrity in decision making" (Aulich, 2016, p.119). They include policies or ethical or normative frameworks that establish the rules of expected behaviour, risk assessment and risk mitigation strategies, specific institutions or agencies including audit bodies, ombudspersons, independent oversight bodies and safeguarding

strategies to monitor and evaluate compliance with rules, and a set of practices (Six and Lawton, 2013). Practices in integrity systems include education or training about rules, protection of those raising integrity concerns and violations, transparency mechanisms, and mechanisms to enforce rules through a set of processes, including awareness raising on what constitutes integrity violations and facilitating investigations (Aulich, 2011; Evans, 2012). Integrity systems seek to safeguard in governance authority and promote reputations of good governance by establishing a framework for evaluating the integrity of governance.

Accountability Frame	Problem	Mechanisms	Expected outcome
Governance	Failure of appropriate regulation	Self-regulation	Integrity violations will not occur
	Lack of information on expected behaviours	Establish codes of conduct, expected standards, and oversight mechanisms	Integrity violations will be corrected through punishment of perpetrators
		Establish methods of enforcing codes of conduct and expected standards	
Performance	Failure of an institution to meet expectations for performance	Performance evaluations, including of an organization through internal and/or external reviews	Integrity violations will not occur
		Promoting technical skills, including through training	The institution will become more effective
		Establishing processes for holding entities accountable for under-performance	Under-performance will be punished
		Promoting transparency regarding the performance of an institution	Stakeholders will have enough information to evaluate the performance of an institution
Mission [emergent]	Failure of an organization to achieve their goals	Rethink theory of change	Accountability approach will promote the values and purpose of an organization
		Address approach to organizational learning	

Table 3 Summary of Accountability Frames, adapted from Ebrahim (2009)

Integrity systems require transparency mechanisms which serve as a means to generate or encourage accountability through performance assessment of an institution. International

organisations are increasingly expected to be more transparent about their practices (Grigorescu, 2007) as part of visibly demonstrating good governance (Fox, 2007).

The mission frame is referred to by Ebrahim (2009) as an emergent normative stream that connects accountability to the mission of an institution. This frame emphasizes a strategic rethinking of the accountability approach and moves beyond a sole focus on performance “by emphasizing iteration and learning” (Ebrahim, 2009, p.889). This frame of accountability constitutes a more adaptive approach, but these approaches are not as well established or researched in the literature. A key point is that an institution can use all of these frames at the same time, but one may be more dominant than the other. This chapter focuses on the dominant frame, the context within which it emerged, and its implications for the discursive constitution of accountability relationships with victims.

The next section analyses the development of the governance frame characterising the introduction of the zero-tolerance policy in 2003 towards a performance frame between 2004 and 2012 that is inherently linked to the performance objective of protection.

4.3 Towards a performance frame: achieving protection, 2004-2012

The period from 2004-2012 is characterised by a shift in framing of accountability from governance to performance. These shifts occurred alongside increased accountability demands prompted by reputational threats emerging from global public scandals of SEA by peacekeepers. The accountability demands deriving from a scandal in 2004 led to the development of an integrity system within the accountability agenda that constituted a significant development in the accountability approach. Yet, the effectiveness of this integrity system was thwarted by conceptions of protection characterising the UN’s response. By 2010, protection became more associated with protecting UN peacekeeping, peacekeepers and the UN as an institution than it did protecting people in host populations from abuse of power and the negative consequents emanating from this. A key reason for this internal protectionism emanated from the fear of false allegations that could damage the credibility and integrity of the UN and peacekeeping personnel. The next section will outline the crisis and the response and will then argue that misrecognition of victims weakened the integrity system in place.

4.3.1 Responding to Accountability Demands

In early 2004, the Independent newspaper broke the story implicating UN Mission in Democratic Republic of Congo (MONUC) peacekeeping troops in SEA of children and victims of wartime sexual violence (Milmo, 2004). Allegations in Congo, especially the city of Bunia, dominated from 2004 after the UN uncovered more than 150 allegations of sexual exploitation and sexual abuse (Lacey, 2004; Laconte, 2005), including extensive incidence of survival sex, especially involving children, and children borne of peacekeepers and humanitarian personnel (Clayton and Bone, 2004; The Independent, 2005; Wax, 2005).

Regular media coverage of new and historic allegations followed, raising the profile of SEA as a UN peacekeeping issue as peacekeepers were labelled as ‘predators’ (The Independent, 2005). The investigative report prepared by the UN’s Office of International Oversight Services unearthed a widespread pattern of peacekeeper and humanitarian personnel perpetrating SEA, especially survival sex with children, who often engaged in sex for small sums of money or food, such as ‘\$1 or \$2 or two eggs in return’ (OIOS, 2005, para.12-15).

The initial failures of the zero-tolerance policy were all too present, where there was a ‘lack of a protection and deterrence programme’, despite obligations to do so (OIOS, 2005). The MONUC allegations have been described as a ‘turning point’ in UN policy (Shotton, 2006), and the UN responded through commissioning quite a few reports, acknowledging that in light of the MONUC allegations, current measures “were manifestly inadequate and that a fundamental change in approach was needed” (UN General Assembly, 2005a, p.1). Quite soon after a General Assembly resolution then clarified that sexual exploitation and sexual abuse constitutes serious misconduct, rather than lower category cases of misconduct (UN General Assembly, 2005b, para. 6). Serious misconduct includes “high-risk, complex matters and serious criminal cases” that require highly trained and experienced investigators (OIOS, 2004, para. 26). More allegations would emerge from DRC in the years that followed (OIOS, 2007), which prompted a few different integrity strategies for how UN peacekeeping respond to public reputational threats and increased accountability demands.

There were three significant changes prompted by the allegations in the DRC in 2004. First, a package of reforms emanating from an expert commissioned comprehensive review of the UN’s entire approach to sexual exploitation and sexual abuse were initiated. Secondly, efforts were made to advance political commitments of member states, military, and humanitarian communities, including through pursuit of an international convention on criminal accountability for UN personnel. Thirdly, a series of oversight mechanisms were put in place to address allegations in DRC, including an investigation by the OIOS and the establishment of the Office of Addressing Sexual Exploitation and Sexual Abuse (OASEA) that would constitute the establishment of specific integrity systems in field missions.

The Secretary-General’s Special Advisor, Jordanian Prince Zeid Ra’ad Zeid al-Hussein, was sent to investigate the allegations in the DRC and produce a comprehensive report and assessment proposing a series of reforms (Allred, 2005). He was seen as “an ideal candidate to facilitate a dialogue among member states” because of the authority he brought in his positions as a former UN peacekeeper and troop and police contributing country ambassador (Shotton, 2006, p.101). His report, known as the Zeid report, constitutes a public oversight and transparency initiative that constituted the formation of an integrity system, particularly by squarely framing the problem as an integrity issue for the UN.

The Zeid Report reflected concerns of the effect of SEA on public confidence in the UN and a request for a comprehensive strategy to ‘eliminate future’ SEA in UN Peacekeeping

made by the Special Committee on Peacekeeping Operations (2005a, p.1) and the General Assembly (2005a, p.1). Zeid found extensive evidence of poor compliance with the zero-tolerance policy and reframed the challenge of addressing SEA as a much more complex and multi-dimensional endeavour, which did affect the UN's approach to the problem. It also offered comprehensive recommendations in four areas: (1) rules and standards of conduct, (2) the investigative process, (3) organizational, managerial and command accountability and (4) individual disciplinary, financial, and criminal accountability. These included calls for more training with troops on the zero-tolerance policy, updates to agreements with troop and police contributing countries, and information campaigns to raise awareness of the policy among host populations (Al-Hussein, 2005, para. 39).

The Zeid report made recommendations that were directed at establishing outcomes, including for victims, of accountability processes. These included financial accountability of perpetrators and emergency support and assistance for victims. These two recommendations involve three elements: (1) financial penalties for perpetrators, (2) the moral matter of addressing emergency and practical needs of victims, and (3) compensation for victims and paternity claimants (Al-Hussein, 2005, para. 52). Prince Zeid envisioned that financial penalties for perpetrators could contribute both to compensation and provision of emergency and practical needs for victims. This includes financial responsibility of fathers for child support to mothers of children fathered by peacekeepers and fines for those found guilty of misconduct to be sent to a Trust Fund for victims (Al-Hussein, 2005, paras 72–77). The report expanded the notion of what accountability could mean by identifying multiple actors and actions as part of the accountability complex that extends far beyond solely holding perpetrators to account. It entails a wider set of ethical duties and accountability responsibilities for the UN, its leadership and for perpetrators. In the years that follow, many recommendations make their way into SEA policy and action, occasionally in a different form from that stipulated in this report. As I argue in Chapter 6, a key element missing from current agendas is a concern for outcomes for victims.

The UN adopted some but not all of the recommendations. It strategically prioritised protection from SEA through a prevention programme. In 2005 the DPKO released a three-pronged strategy of prevention, enforcement, *and* remedial action, eventually framed the UN's wider strategic approach to the problem, a strategic approach that remains at the time of this writing (UN Secretary-General, 2006b). A few years later the General Assembly (2010a, para. IV.2) adopted a resolution reflecting the three-pronged strategy, which reiterated the need to implement zero tolerance, to promptly investigate, enforce disciplinary action and provide assistance to victims. Little attention was granted to the response in policy discourse at this time, beyond progress to hold individual perpetrators to account and to provide victims with some form of assistance.

Reports of the Secretary-General on the problem have overwhelmingly aligned the idea of protection with prevention through implementation of the zero-tolerance policy and the

actors meant to oversee that implementation (including the Task Forces, mission response systems including CDTs, mission management and leadership). Prevention activities reflect much of the attention between 2004 and 2012, primarily work to strengthen the implementation of the zero-tolerance policy (UN General Assembly, 2011b), especially through the expansion of training for all personnel.

Work was advanced to address the legal challenges of holding individual perpetrators to account. To address these inconsistencies and following a review of the legal status of criminal accountability of UN personnel (Group of Legal Experts, 2006), a series of General Assembly resolutions were adopted on criminal accountability of UN officials and experts on mission. These resolutions intend to be a ‘temporary’ measure in advance of adoption of a recommended international convention on criminal accountability of UN personnel (Group of Legal Experts, 2006; UN Secretary-General, 2013b). Annual resolutions on criminal accountability have been adopted by the General Assembly every year since 2007, totalling in fifteen resolutions on the topic for the period of this study (see UN General Assembly, 2007a; 2008; 2009; 2010b; 2011a; 2012; 2013; 2014; 2015; 2016; 2017; 2018; 2019; 2020; 2021). No convention has yet been agreed.

A number of initiatives were advanced following the Zeid report to secure greater political commitment from member states and humanitarian communities. These changes were largely made in response to the realisation that sexual exploitation and sexual abuse perpetrated by UN peacekeepers and related personnel was much more widely spread than originally anticipated. According to one interview participant who is a former staff member of an international organization working in this area

It is important to understand the mood of the time. It was a process of discovery, self-discovery for UN peacekeeping, and realising this is much bigger—not just military, not just a few military, it goes way beyond....Internal processes were not working—no vetting—no processes. We looked at doing more and tried to be systematic [in recording allegations]. We realised it wasn’t necessarily uniformed peacekeepers, there were a huge number of civilians implicated and no one had looked at the implications. Why did someone who was dismissed in a previous mission for abuse of power/harassment somehow pop up in Congo? (Former staff member of international organization, 2020).

In 2006, member states, military and humanitarian communities negotiated ten principles (see Table 4) in a Statement of Commitment on Eliminating Sexual Exploitation and Abuse by United Nations and Non-United Nations Personnel (IASC, 2006). This statement was the centre of a High-Level Conference on SEA, and dozens of UN entities non-UN entities committed to uphold the goals “to facilitate rapid implementation of standards relating to the prevention and elimination of sexual exploitation and abuse” (UN Secretary-General, 2007b, para. 28). The commitment advanced ten principles to implement the zero-tolerance policy (IASC, 2006), and by 2009 it was endorsed by 42 UN and 35 non-UN entities (UN Secretary-General, 2010, para. 18).

Ten Principles for the Statement of Commitment on Eliminating Sexual Exploitation and Abuse
(1) develop organization-specific strategies to prevent and respond to SEA
(2) train personnel on standards
(3) vet personnel with past abuses
(4) set up accessible complaints mechanisms for reporting
(5) protect people who report from retaliation
(6) investigate promptly
(7) take swift action against perpetrators, including through criminal prosecution
(8) provide emergency assistance to alleged victims
(9) regularly communicate measures taken to address SEA
(10) engage with communities and governments in this matter

Table 4 Ten Principles from the Statement of Commitment on Eliminating Sexual Exploitation and Abuse

These principles supported the adoption of new accountability mechanisms, particularly mechanisms for receiving complaints and assisting victims.

4.3.1.1 New accountability mechanisms

The Zeid recommendation victim assistance was quickly actioned through the adoption of a General Resolution in late 2007 that set out a strategy to ensure complainants, victims and children born of SEA ‘receive appropriate assistance and support in a timely manner’ (UN General Assembly, 2007b). This strategy is seen as key to developing system-wide approaches to victims (Special Committee on Peacekeeping Operations, 2011). But the mechanism has never had a dedicated budget. The impacts of this will be discussed in more detail in Chapter 5. The Victim Assistance Strategy established two crucial accountability mechanisms: networks on protection from sexual exploitation and abuse (PSEA Networks) and community-based reporting and complaints mechanisms (CBCMs) (UN Secretary-General, 2009a, para. 55). Community-based complaints mechanisms are meant to “root out the problem of sexual exploitation or abuse by staff members” (IASC Task Force, 2012, p.2) by facilitating processes to hold perpetrators to account.

Conduct and Discipline Teams were established in field missions to receive complaints implicating peacekeeping personnel and the Inter-agency Standing Committee (IASC) Protection from Sexual Exploitation and Abuse Task Force, which was established in 2002, enhanced its role in supporting the development of complaints mechanisms for UN agencies involved in peacekeeping missions and humanitarian assistance. The Task Force quickly

indicated the centrality of a gender perspective to address the issue, particularly in a framework of protection from gender-based violence (IASC PSEA Task Force, 2002, para. 10.b). By the time the expected standards of conduct were clarified through the Zero-Tolerance policy in 2003, the Task Force established the Executive Committee on Humanitarian Affairs (ECHA) working group to implement the Secretary-General's bulletin on sexual exploitation and sexual abuse system-wide (UN Secretary-General, 2004b). It has as its aim to strengthen prevention and protection from SEA, to make recommendations to improve such efforts, and to assist in implementation of UN policy on SEA. The PSEA Task Force developed training on behaviour and conduct, and on 'gender and peacekeeping' to pass on to Member States for pre-deployment training (UN Secretary-General, 2003a). They later included web-based training on standards of conduct and the prevention of sexual exploitation, abuse, and harassment (UN Secretary-General, 2003a). In 2005 the Task Force expanded its reach beyond addressing the problem among humanitarian personnel to incorporate peacekeeping personnel (e.g., uniformed and civilian components) (UN Secretary-General, 2006c, para. 14).

By 2012 SEA was explicitly considered an issue of governance for peacekeeping. 2012 saw the development of the Integrated Conduct and Discipline Framework's strategy of 'strengthened organizational, managerial, and personal accountability in field missions', which is built on four pillars: (1) integration, capacity-building, awareness-raising and outreach, and performance-based accountability (UN Secretary-General, 2012c, para. 30; UN Secretary-General, 2013a, para. 83). It seeks to further 'good governance, robust oversight and enforcement and strengthened risk management' and seeks to develop an accountability framework for conduct and discipline (UN Secretary-General, 2012c, para. 30).

Since 2008 peacekeeping and humanitarian components have interacted to advance SEA policy and action, including through reforming institutional design, and advancing a culture of checks and balances (Evans, 2012; Aulich, 2016). In 2008 five working groups developed in the Joint PSEA Task Force to "support to field-based networks; enforcement; managerial compliance; victim assistance; and implementation guidance" for the zero-tolerance policy (UN Secretary-General, 2008c, para. 18). In sum, Conduct and Discipline Teams (CDTs) handle implementation of PSEA mandates for peacekeeping and inter-agency networks handle PSEA mandates for UN agencies (humanitarians). They are charged with coordinating with each other in implementing the Zero Tolerance policy and establishing a culture of checks and balances, including through establishing administrative processes for receiving and responding to complaints of sexual exploitation and sexual abuse and referring complainants to assistance and support services (IASC, 2016a).

The UN established an integrity system for preventing and responding to SEA through adopting regulations through codes of conduct and establishment of standards of behaviour, establishing parameters for enforcing these regulations, establishing integrity agencies, commission oversight reports, and advancing work towards political consensus on criminal

accountability of peacekeeping personnel. The appointment of SEA focal points for receiving complaints across all forty-seven UN entities (UN Secretary-General, 2005c), work towards establishing a database of allegations, appointing legal experts to examine criminal accountability of UN staff and experts on mission, the development of a victim assistance strategy, revised Memoranda of Understanding with Troop and Police contributing countries, and the establishment of integrity systems in field missions in the immediate aftermath of a scandal in the Democratic Republic of the Congo (see Dahrendorf, 2006) demonstrate a shift in accountability thinking and the approach, but not in terms of accountability relationships with victims, which the next section will consider.

4.3.2 Misrecognition of victims in accountability relationships

Shortly after Zeid there were efforts made to raise the voices of victims, signifying a connection to victims in accountability relationships, but this was short-lived in this period as false allegations prompted defensive discourse across various UN bodies. This had implications for the constitution of accountability relationships with victims, prompting a distancing from the idea that victims should be answered to. Instead, the protection logics that emerged in the 1990s re-appeared in the mid-2000s, centralising peacekeepers and the UN as the core subjects of protection. This section will lay out the context of these discursive shifts.

In 2006 under Secretary-General Kofi Annan the video ‘To Serve with Pride’ was launched to highlight the problem of SEA from the perspective of victims and to emphasize the importance of building trust with host populations. This video raised issues of survival sex, paternity, HIV/AIDS, and the impacts of rape from the perspectives of victims and survivors. The problem was explicitly framed by Antonio Guterres, then the High Commissioner for Refugees, as a problem of gender-based violence and violence against women (ECHA/ECPS and PSEA Task Force, 2006, 08:24-9:22). But the work of establishing coordination in field missions to respond to allegations was overshadowed by concerns with false allegations, which prompted a discursive shift in the logics embedded in the UN’s response. The direction of integrity concerns turned more inwards towards the UN rather than outwards towards victims and host populations, prompting defensive protectionist discourses that had negative implications on the reform agenda. These shifts largely emerged following the report of the OASEA in DRC.

The Office of Addressing Sexual Exploitation and Sexual Abuse (OASEA) in the mission the Democratic Republic of Congo was established following the Zeid report to work out how to make the UN more accountable. Many of the first protocol and processes for receiving reports and facilitating investigations developed via the OASEA, transitioning a system operating on ‘bits of paper slipped under the door of offices in the middle of the night’ (Former staff member of international organization, 2020) into the first SEA database that could better build a picture of the scale and scope of the problem in the mission. It tried

to build coordination among various humanitarian, military and NGO communities, an effort met with resistance, and soon found the problem was massive.

The OASEA's lessons learned report revealed "considerable suspicion" and 'defensiveness' of MONUC staff at all levels, *ad hoc* responses to allegations, and a tendency of senior managers and commanders to 'downplay' or 'cover up' allegations (Dahrendorf, 2006, p.10). One interview participant who was formerly an employee of an international organization noted that in 2005, 'there was very little discussion of victims or survivors' and there was very little understanding of "who was affected or where, and who or where the alleged perpetrators were" (Former staff member of international organization, 2020). The OASEA in the DRC also noted that the mission's responses to allegations focused on protecting the rights of perpetrators in due process, but there was 'no emphasis on developing responses to victims' (Dahrendorf, 2006, para. 64).

Legal references to rights of victims constitute some of the only references to victims' rights in this, for instance through General Assembly resolutions on criminal accountability which note the "importance of protecting the rights of victims" (UN General Assembly, 2007a, p.2; 2008a, p.2). There were only two mentions of justice for victims. The Special Committee on Peacekeeping operations (2005a, para. 53) makes the first and only mention in documents in this phase of the critical importance that justice for victims should be assured and 'seen to be done'. The second comes from the report of the Group of Legal Experts (2006), who were tasked with clarifying the application of law in holding UN personnel legally accountable for SEA. This report states:

Members of military contingents are already subject to a separate system of justice and some accountability may often be better than none for the victims (Group of Legal Experts, 2006, para. 30).

Aside from this, victims are recognised as data in the first part of every annual report of the Secretary-General on special measures for protection from SEA, and as vulnerable and marginally as having needs in other reports (Special Committee on Peacekeeping Operations, 2011; UN General Assembly, 2011b). Recognition of victims in this phase narrows considerably, particularly as questions around obligations for justice, redress, paternity, and compensation sit uncomfortably with international policy makers. Instead, an explosion of discourse on generalised 'victim assistance' emerges, recognising victims as passive recipients of services. Fear of false allegations constitutes another key shift.

4.3.2.1 Protecting peacekeepers from false allegations

In addition to the prevalence of prostitution in DRC, the OASEA recorded rather a large number of false allegations. It notes a 'significant number of false allegations' made by other personnel, alleged victims and local police seeking 'compensation, revenge or to discredit' (Dahrendorf, 2006, para. 34), 'made by people who didn't like each other' (Former staff member of international organization, 2020). There were also incidents of false

allegations that drew quite a lot of attention and led to initiatives that produced local people as dangerous to peacekeepers. The question of false allegations sees a ripple effect across UN committees and bodies, whose declining rights-based references to victims transitions to discourse seeking to preserve the image and credibility of the United Nations. The Special Committee on Peacekeeping Operations, who were much bolder in rights and justice-based references to victims in the previous phase drop this language in 2006, instead emphasising the need to

ensure that steps are taken to restore the image and credibility of any United Nations peacekeeping mission or troop-contributing country or United Nations peacekeeping personnel when allegations of misconduct are ultimately found to be legally unproven (Special Committee on Peacekeeping Operations, 2006, para. 63).

The justice-based references to victims do not re-appear in the reports of this committee, but the emphasis on resolving reputational effects of ‘unproven’ allegations sustains in each subsequent report that mentions SEA perpetrated by UN personnel until 2014. This iteration of ‘legally unproven’ sometimes written as ‘unfounded’ exemplifies the mood of the United Nations towards SEA at the time. The shock and rights and justice-based assertions that responded to allegations of child SEA rapidly transformed into an apathy reflected in fairly minimal action to respond to victims. A public information campaign for peacekeeping components was launched in 2006 which offered guidance to help “restore the reputation of alleged perpetrators and the image and credibility of the United Nations and Member States” in unfounded and false allegations (UN Secretary-General, 2006b, para. 23). This suggests that responses to communities largely took the form of disseminating information outward rather than seeking to work with communities to establish a stronger basis for promoting prevention and responding to peacekeeper violence.

A 2006 OIOS report on discipline in field missions for UN peacekeeping drew attention to protocol for mitigating risks of personnel behaviour through prevention and implementation of standards and codes of conduct for personnel. However, while referring to the need for disciplinary measures, protocol for receiving and handling complaints and protection of whistle-blowers, the twenty-eight-page report does not refer to victims once, but it does refer to the local population largely in negative terms as sources of fear and suspicion. This internal oversight body of the UN laments the absence of a mechanism to “guard against possible malicious accusations of prohibited conduct made in an attempt to blackmail and extort money from peacekeeping personnel” (OIOS, 2006, paras 23–24). It further adds request for a ‘fast track’ process for investigations, “while due process is maintained and the rights of the individual are respected” (OIOS, 2006, para. 41), seemingly in reference to the rights of the accused. It is notable that such language of a ‘forceful response’ and ‘quick and timely investigation’ do not seem as pertinent in reference to the rights of victims.

Kathleen Jennings (2019) has explored the production of victims, sex workers, women in host communities and local actors in peacekeeping missions. For her, one of the problems

of SEA policy action is the different ways international personnel view the vulnerability of people in host communities. The construction of locals, especially women, by interveners and SEA policy are embedded in pathologies that can make “local women objects of indignation, lust, fear, pity, and scorn” (Jennings, 2019, p.33). Perceptions of locals, and especially local women have led to practices which tend to isolate peacekeepers from the populations they are meant to serve. Instead of protecting locals, there is a tendency on this topic for peacekeeping to protect itself from the danger of being involved in allegations (Jennings, 2016). Jennings (2014) found that peacekeepers saw themselves as potential victims of sex workers and local cleaners in private, indicating “a rupture between what peacekeepers think about locals and what they are supposed to think” (p.36).

The concern with false allegations prompted a distancing from other relevant normative frameworks that had begun to make their way into the SEA agenda. SEA began to be incorporated as a child protection issue for children in armed conflict (UN Secretary-General, 2004a), and issues of gender and protection of women found their way into UN language on SEA, although not in any of the annual reports of the Secretary-General that updated member states SEA-specific actions. SEA was mentioned in reports of the Secretary-General to the Security Council on protection of civilians dating back to 2002 (UN Secretary-General, 2002b, para. 54) and regularly up to 2007, then not at all until 2015 when it became a regular item in the report. As identified by Cassandra Mudgway (2017), between 2006 and 2016 there were only two occasions where sexual exploitation and sexual abuse by peacekeepers was highlighted as an international human rights issue (p.1464). The Committee on the Elimination of Discrimination Against Women, the body charged with implementation of the Convention on the Elimination of Discrimination Against Women, were responsible for both occasions in the context of the UN mission in Côte d’Ivoire in 2011 and in Haiti in 2016 (Mudgway, 2017, p.1463). Indeed, policy documentation between 2004-2012 seemed to intentionally avoid referencing victims’ rights, redress and justice, instead merely framing obligations to victims as ‘assistance and support’.

This gap in attention to SEA as a protection issue between 2007 and 2015 characterises many of the failings occurring in this phase that are detailed here as well as in the rest of the thesis. The defensiveness of the UN towards integrity threats was also reflected in developments at the Secretariat level for defining accountability, which the next section will analyse.

4.4 Integrity and accountability concerns across the UN system: increased transparency and performance

The SEA agenda and other concerns with corruption, particularly following the oil-for-food scandal, and other forms of misconduct and mismanagement led to the development of a definition of accountability in the UN system. Between 2004 and 2012 there were pressures within the UN system to “specifically define what is meant by accountability in the

United Nations context” and to establish parameters for implementing and enforcing it (Advisory Committee on Administrative and Budgetary Questions, 2006, para. 6). These deliberations have had a huge influence on the political boundaries within which accountability relationships are constituted in the work of the UN. The current agreed definition of accountability reinforces a performance frame, which prioritises transparency and evaluations of the effectiveness of the UN as a matter of a direct accountability relationship constituted with member states. However, this definition is somewhat complicated by the emergence of a new form of accountability advanced in the humanitarian and developments aspects of the UN’s work: the Accountability to Affected Populations (AAP) framework. This framework locates local populations as primary subjects of answerability in UN and humanitarian oriented interventions. The work on AAP has been integrated among UN agencies into action to address SEA. The tension between the official definition of accountability and the UN and AAP framework suggest that the political space within which accountability is deliberated is in flux itself. This section will lay out these developments.

Specific attention was granted to accountability in the UN Secretariat who developed an accountability architecture that did not connect to realising objectives of the UN nor define accountability, which has been described in other committees of the UN system as a “fundamental weakness” in the accountability architecture (Advisory Committee on Administrative and Budgetary Questions, 2008, para. 9). In 2006 Secretary-General Kofi Annan proposed a new policy on public access to Secretariat information which defines the objectives of accountability and transparency as inherently connected to “facilitating public inquiries into the operations of the Organization in a manner that is consistent with public expectations for global governance in the twenty-first century” (UN Secretary-General, 2006a, para. 25). This transparency policy brought global publics into the accountability space by connecting accountability relationships to public expectations of the UN (see Advisory Committee on Administrative and Budgetary Questions, 2006, para. 9).

Secretary-General Ban Ki-Moon also spearheaded an agenda for reform of the Secretariat (Ahlenius, 2010). In January 2010 Moon disseminated the report *Towards an accountability system in the United Nations Secretariat*, which proposed a definition of accountability and an accountability framework for the Secretariat (UN General Assembly, 2010d). The reception of the report from member states and Under-Secretary-Generals from across the Secretariat was lukewarm at best. In addition to the report having been received much later than expected, the accountability elements proposed were described as under-developed, unconvincing, and inadequate for establishing a culture of responsibility (UN General Assembly, 2010c). Collectively, member states especially lamented a failure to connect accountability to UN mandates, effectiveness of the UN, “or the role of the oversight bodies” (UN General Assembly, 2010c, para. 30). The definition in particular was described as ‘far too limited’ and one member state (Singapore) expressed surprise “that staff members’

personal responsibility for their decisions and actions had not been mentioned” (UN General Assembly, 2010c, para. 39). This concern was supported by another member state (Switzerland) who asserted that accountability “should start with a willingness to assume responsibility for the outcome of professional actions and to abide by the regulations, rules and the highest ethical standards” (UN General Assembly, 2010c, para. 47).

Further concerns were raised regarding the commitment of senior leadership of the Secretariat to accountability reforms due to the circumstances surrounding how the report was prepared, and particularly the failure to share advice and evaluations produced by external consultants among bodies of the Secretariat (UN General Assembly, 2010c). This failure to share evaluations and recommendations for improving the accountability architecture suggests that the consultancy exercise functioned more to ‘appear’ accountable and transparent.

Outgoing OIOS senior auditor, Inga Britt Ahlenius publicly released an end of assignment report in 2010 that questioned Ban Ki-Moon’s integrity and suggested that he deliberately obstructed investigations by the UN’s oversight body (Plett, 2010). Ahlenius (2010) argued that Moon’s brand has largely been based on promoting transparency of the UN, but in practice he has reinforced a culture of secrecy. According to one interview participant who formerly worked for the OIOS around the time the Ahlenius report was released:

I was specifically asked not to go asking questions to satisfy my curiosity. I was told that I was to only investigate what I was told to investigate and nothing else...The investigations are not trying to find the facts, they are pretty good at returning the results that the organisation want to see (Former UN investigator, 2020).

Ahlenius (2010) added that the “vacuum created by [secrecy]” leaves the public and media to rely on informal sources of information, including leaked internal documents” (p.10). The deliberations on accountability and the integrity concerns at the leadership level led to greater attention in UN bodies to cementing a definition of accountability and identifying means for promoting transparency regarding the performance of the UN.

4.4.1 Defining accountability

Later in 2010 the General Assembly adopted a resolution clarifying the definition of accountability in the United Nations as

Accountability is the obligation of the Secretariat and its staff members to be answerable for all decisions made and actions taken by them, and to be responsible for honouring their commitments, without qualification or exception.

Accountability includes achieving objectives and high-quality results in a timely and cost-effective manner, in fully implementing and delivering on all mandates to the Secretariat approved by the United Nations intergovernmental bodies and other subsidiary organs established by them in compliance with all resolutions, regulations, rules and ethical standards; truthful, objective, accurate and timely

reporting on performance results; responsible stewardship of funds and resources; all aspects of performance, including a clearly defined system of rewards and sanctions; and with due recognition to the important role of the oversight bodies and in full compliance with accepted recommendations (UN General Assembly, 2010d, para. 8).

This definition was built under the primary framework of the UN Charter and includes both organisational (UN Secretariat) and individual accountability, indicating that both the organisation and individuals under its remit have accountability obligations. The definition entails a set of obligations for conduct, performance and mandate implementation, rewards and sanctions, and a role for oversight bodies (Advisory Committee on Administrative and Budgetary Questions, 2012, para. 9). It also includes the notion of accountability as answerability, but it does not specify to whom the Secretariat and its staff members should answer. However, the UN's external oversight body, the Joint Inspection Unit, clarified that accountability is a mutual relationship "to and of member states" (Joint Inspection Unit, 2011, para. 21). This definition narrowed the political space within which accountability relationships could be constituted between the UN as a governance institution and the array of stakeholders it affects.

For Fraser, meta-political injustices wrongly exclude some from consideration in the polity for consideration on a particular matter, but where they are included as subjects of justice in another matter. She gives the example of the UN system of sovereign equality of member states which includes states as supposedly equal but then "gerrymanders political space at the expense of the global poor" (Fraser, 2010, p.286). The definition of accountability offered by the UN excludes victims and other affected populations from consideration in justice matters.

From 2008 sexual exploitation and sexual abuse have been incorporated into this developing accountability agenda (Advisory Committee on Administrative and Budgetary Questions, 2008) largely through performance measures characterising the new performance frame. There have been regular progress reports on accountability of the Secretariat since 2012 (UN Secretary-General, 2012b). In this agenda SEA is referred to under a framework of ethical standards and integrity, which refers to commitments of the organisation and its personnel to "uphold the highest ethical standards and integrity, as reflected in the mechanisms, policies, principles and values that set the standards for the conduct and behaviour of United Nations personnel" (UN Secretary-General, 2018b, p.33). The inward view of accountability failed to connect outward.

But this development occurred alongside another rising and alternative accountability framework. From 2002 there were also increased questions regarding the challenges of "the question of accountability towards beneficiaries and host governments" in peacekeeping and humanitarian contexts (United Nations, 2002, para. 334). The UN's Inter-Agency Standing Committee (IASC), who coordinates inter-agency delivery of humanitarian assistance, formed a Task Team on Accountability to Affected Populations in 2012 (IASC, 2012)

Accountability to Affected Populations emerged as a set of commitments made by the IASC in 2011 to actively “use power responsibly by taking account of, giving account to, and being held to account by the people humanitarian organisations seek to assist” (IASC, 2012), and is meant to bring together a wide array of actors at the local, national and international level in its work. AAP involves three dimensions: taking account of community needs by cultivating space for them to influence decision making, giving account through transparency, and being held to account by communities who can assess and possibly sanction actions of humanitarian organisations (IASC, 2015).

When the IASC merged its Task Forces on PSEA and Accountability to Affected Populations (AAP) in 2013, humanitarian and peacekeeping components were brought together to institutionalize both PSEA and AAP in pursuit of a “system-wide culture of accountability” (UN Secretary-General, 2014, para. 59). The Department of Field Support represents peacekeeping in the Task Force, and together with the humanitarian community and the Secretariat the merged task force constitutes a community of practice on SEA on peacekeeping, humanitarian, and development issues (see UN Secretary-General, 2015, para. 85). The system-wide nature of the AAP Task Force and wider concerns with accounting to host populations demonstrates a shift towards downward or local accountability, in which host communities are the actors answered to by UN institutional actors in accountability arrangements. The merger between the IASC’s PSEA Task Force and its Task Force on Accountability to Affected Populations (AAP) in 2013 (UN Secretary-General, 2014, para. 59) signified a connection between efforts to rethink the constitution of accountability relationships with people in host communities. But this did not translate into clarification of accountability relationships with victims and affected communities in reports of the Secretary-General on SEA.

In the 2015 the Secretary-General clarified that the UN “is accountable to its Member States as regards measures taken to implement its three pronged strategy [on SEA] ...including through the production of detailed reports” by the Secretary-General (United Nations, 2015, para. 15.4). This clarification of accountability relationships between the UN and Member States is built on the frame of performance accountability, in which the UN has a duty to share the facts of its performance with its member states. The performance-oriented frame of accountability led the development of transparency mechanisms that could support the evaluation of the performance of UN peacekeeping on SEA. The performance frame has been inadequate to redress the problem of SEA. By situating member states as the core subjects of answerability in accountability relationships, the UN tended to take a defensive and reactive approach to protect itself from scrutiny and reputational damage, and increasingly so following the first integrity review on SEA in 2013. The next section will discuss these implications.

4.4.2 A period of transition: an integrity review

The first substantial integrity review of UN action on SEA was released internally to the UN in 2013, prompting a number of discursive shifts that moved the framing of the accountability agenda towards a performance framework, which seeks to demonstrate results and measure performance (Ebrahim, 2009). The timing of these shifts is important, as the damning Expert Report on the four peacekeeping missions with the highest numbers of allegations was released internally to the United Nations in 2013 (Awori et al., 2013). The damning report found that complainants and investigators “often remain unaware of final decisions, leading to frustration and even insecurity due to the presence of the potential perpetrator in mission even after several years” (Awori et al., 2013, pp.13–14). Overall, the report found that the integrity system established since 2002 was not working. The zero-tolerance policy was not taken seriously, training in the policy was of a poor standard, and “impunity is more norm than exception” (Awori et al., 2013, p.4). Further, it stated that

there was noted a culture of enforcement avoidance, with managers feeling powerless to enforce anti-SEA rules, a culture of silence around reporting and discussing cases, and a culture of extreme caution with respect to the rights of the accused, and little accorded to the rights of victims (Awori et al., 2013, p.3).

The review criticised the failure of UN strategy ‘*to protect the most vulnerable*’ and argued that the UN was “more focused on UN personnel than on victims” (Awori et al., 2013, p.15) and reveals a woeful misunderstanding on the part of peacekeeping actors for how power inequalities, including gender inequalities, operate both in perpetration of and the response to the problem. This reflects many of the observations made by the OASEA in the Democratic Republic of Congo seven years earlier and identified a swathe of failings with respect to investigations in which a series of mistakes by investigators and the wider mission sustained a culture of impunity.

This report offered a series of robust recommendations for a complete overhaul of investigation, including the ways that the outcomes of investigations were reported to better reveal the scale of inefficiencies and inadequacies in investigation process. Further, the review advocated for attention to gender inequality as a priority (Awori et al., 2013, para. 8). The same year the report was released internally, the Secretary-General announced a ‘new’ plan of action which had three aims: (1) to ensure credibility through more transparency and cooperation, (2) to strengthen governance, oversight, and enforcement, and (3) to enhance protection and support to victims (UN Secretary-General, 2013c, para. 23). Action was accelerated when the integrity review was leaked to the press in 2015 alongside the serious of scandals implicating UN personnel in SEA (AIDS Free World, 2015b).

Four years later another new approach would be announced that largely reflects the aims of the 2013 plan of action, except it begins to integrate values and the introduction of new

integrity mechanisms. A shift was evident in the Special Committee on Peacekeeping Operations, who from 2014 no longer refer to the need to combat false allegations and restore the image and credibility of UN personnel. The committee began calling for improvement in reporting and investigations and reintroduced language of rights (indirectly) by referring to the need to ‘maintain the dignity of victims at all times’ (Special Committee on Peacekeeping Operations, 2014), suggesting a values-based approach connected to human rights norms.

Further, the SEA strategy expanded in 2013, integrating issues with reporting, piloting community-based complaints mechanisms, addressing the conduct of investigations with respect to victims and finally considering paternity claims. Indeed, 2013 was the first year the Secretary-General’s report noted the need for victims to be assisted in pursuing paternity claims (UN Secretary-General, 2013c), which was something already articulated in a General Assembly resolution five years previously (UN General Assembly, 2007b). From 2013 efforts were advanced to expand expertise and training on gender, sexual violence, child protection and HIV/AIDS, including in partnership with local communities (UN Secretary-General, 2013c, para. 40). The rights and needs-based discourse that declined from 2002-2012 revived from 2013-2015 as implementation of the victim assistance strategy dominated attention to victims. These reforms were interrupted by an increase in accountability demands accompanying global public knowledge of the crisis of SEA in the Central African Republic in 2015. The next section will discuss the crisis and its impacts.

4.4.3 Crisis in the Central African Republic

A month after the integrity review report was leaked to the press two years after its official internal release, the Guardian newspaper released the story that at least thirteen French Sangaris peacekeepers serving in Central African Republic were implicated in allegations of sexual exploitation and sexual abuse of children. The report included interview transcripts from the alleged victims, which “details the rape and sodomy” of young boys in an internally displaced persons (IDP) camp near the capital Bangui between December 2013 and June 2014 (Laville, 2015). The French peacekeepers were tasked with protection of civilians under Security Council resolution 2149 (2014) and were charged with protection of people in this IDP camp. However, the French were not the only peacekeepers involved in allegations, as soldiers from Chad and Equatorial Guinea were alleged to have raped young boys in the same time period (Morland, 2016).

The UN received the allegations in May 2014, which provided “detailed information about the perpetrators, including names and certain distinguishing features such as tattoos, piercings and facial features” (Deschamps et al., 2015, pg.3). However, it took the UN more than a year to issue a response (Code Blue, 2015; Deschamps et al. 2015; UN General Assembly, 2016). Director of Field Operations at OHCHR, Anders Kompass, ‘leaked’ the report of allegations in July 2014 to the French authorities, who should have been notified

immediately to begin their investigation. Kompass was subsequently suspended and placed under investigation for not following protocol but was exonerated a year later and resigned the following year (Laville, 2016). This delay has been characterised not only as a gross institutional failure, but it has been suggested that there was in part an attempted cover-up of the abuses, because of the political sensitivity of implicating a permanent five member of the Security Council, France, in the allegations (Deschamps et al., 2015; Laville, 2015). The response, which involved UN Secretary-General Ban Ki-Moon commissioning an independent review on the case, came after the 2013 damning report on SEA in four missions was leaked to the international press by NGO Aids Free World (AIDS Free World, 2015a)

Later in 2015 the damning independent review on the allegations in the Central African Republic found that information about the allegations was “passed from desk to desk, inbox to inbox...with no one willing to take responsibility” (Deschamps et al., pg.2). It also reported that there was misperception that because Sangaris forces were not under UN command, and because of the politically sensitive nature of allegations against a Permanent Five Security Council member, that UN staff had no authority or indeed responsibility to address the allegations (Deschamps et al., 2015, pg.4). Lastly, the report indicated that there was evidence of a “pattern of sexual violence against children by some peacekeeping forces” (Deschamps et al, 2015, pg.3). Throughout the chain of events, the UN experienced systemic institutional failures.

Amendments were immediately made in 2015 to UN Staff Rules (as opposed to peacekeepers or police) citing ‘sexual exploitation and abuse as a specific instance of prohibited conduct’ (Special Committee on Peacekeeping Operations, 2015, para. 52). In response to increased calls for transparency, beginning in 2015 the Conduct and Discipline Unit made its database on the status of investigations of peacekeeping SEA publicly available (cf. Conduct and Discipline Unit, 2019). A number of reforms were advanced in 2016 that were claimed as part of a new approach (UN Secretary-General, 2016a), including the establishment of a trust fund for victims, the appointment of a Special Coordinator, and the adoption of a Security Council Resolution. Security Council Resolution 2272 (2016) grants the UN Secretary-General the power to repatriate entire units where SEA is prevalent in a ‘naming and shaming’ process. This legally binding resolution intends to apply pressure to Member States who fail to prevent instances of SEA and who do not pursue appropriate legal and disciplinary accountability processes. The Victims’ Trust Fund was a Zeid recommendation that was finally actioned in 2016 to help provide some resourcing to help fill needs in establishing and sustaining victim assistance mechanisms. The objectives of the trust fund are to provide specialized services, engaging in community outreach, addressing service gaps in victim assistance and support and paternity claims, and in providing additional support and communications “for complainants, victims and children born as a result of SEA” (United Nations, 2019, p.2). In 2017, another new approach was announced which built on accountability action initiated in 2013.

Mark Evans (2012) argues that the increased role of norms and values in governance and integrity threats drive the practice of integrity. The practice of integrity differs from the principle of integrity because it involves specific tools, including performance monitors and evaluations, a shift from codes of conducts to broader values and principles frameworks and an expansion of integrity agencies who promote ethical behaviour and monitor its progress (Evans, 2012). The integrity threats posed internally to the UN system prompted increased attention to performance through the development of transparency mechanisms. Where external threats came to the fore following public reputational crises of peacekeeping, the frame of accountability for the UN on SEA moved more towards a values and principles framework and included the addition of new integrity mechanisms, signifying a shift towards a mission frame that connects accountability to the mission of the UN. The next section will outline emergent changes in the new approach, highlighting indications of an emergent mission frame accompanying the 'new' victim-centred approach.

4.5 Towards a mission frame, 2017-2021

The system-wide approach seeks to change the perception that sexual exploitation and sexual abuse are limited to peacekeeping. By expanding the focus across the UN system to UN entities, non-UN forces, implementing partners and the wider organisation the systemic nature of the problem is brought into focus. The 'new approach' includes the creation of the Office of the Victims' Rights Advocate, a Security Council Resolution, establishment of a Circle of Leadership, a Voluntary Compact on SEA and greater attention to establishing complaints and referral mechanisms for victims, survivors and paternity claimants. Quite simply, the UN decided to take seriously many of the long-forgotten Zeid report recommendations made more than a decade earlier.

4.5.1 New approach mechanisms

Actions in the new approach have sought to target member states through initiatives to encourage greater political will and resolute action on allegations. These have taken three forms, one which includes a set of measures initiated in 2017 to get member states to make political commitments (largely in pursuit of agreement on a convention on criminal accountability), another includes the establishment of the Office of 'The Victims' Rights Advocate to support victims, and the third that connects SEA to peacekeeping outcomes.

Of the former, the Circle of Leadership, Statement of Commitment and Voluntary compact seek formal support from member states to acknowledge their responsibility to prevent and respond to allegations in tandem with the UN. The 'Circle of Leadership on the prevention of and response to sexual exploitation and abuse in United Nations operations' intends to establish greater leadership among member states and heads of UN entities to end impunity, prevent and respond to SEA allegations (UN Secretary-General, 2017a). The circle includes one hundred former as well as current heads of state (United Nations, 2022b). Seventeen of

the top twenty troop and police contributing countries have joined the circle (the former prime minister of Ethiopia, current leaders of Bangladesh, Burkina Faso, Côte d'Ivoire, Djibouti, Egypt, Ghana, India, Italy, Morocco, Nigeria, Pakistan, Rwanda, Senegal, South Africa, Togo, and Zambia) (United Nations, 2022b). This circle was asked to enter into a voluntary compact with the Secretary General for these aims (UN Secretary-General, 2017a, para. 19). The 2017 Voluntary Compact

sets out commitments of the United Nations and signatory Member States which go beyond their existing legal obligations, and demonstrates the political will to prevent sexual exploitation and abuse, realize accountability and provide support to victims (OIOS, 2021, p.49).

By the end of 2021 the compact included signatures from 105 member states and asserts the idea of the mutual accountability of the UN and member states to prevent and address SEA (United Nations, 2021i). The Circle of Leadership further issued a collective statement in 2018, which 49 of 100 current and former heads of state and 25 UN entities endorsed (United Nations, 2018). The collective statement demonstrates individual commitments of global leaders, the 'unique responsibility' of the UN, and the *shared responsibility* of the UN and Member States to address SEA in a system-wide approach that covers all UN entities/personnel. Further, the appointment of the Special Coordinator on sexual exploitation and abuse in 2016 further seeks to improve coordination and communication with member states. The appointment of Special Coordinator on protection from SEA, Jane Hall Lute, in 2016 intends to improve the response to SEA and review and implement the CAR Panel report recommendations (UN Secretary-General, 2016b, para. 87) and "organize, unify and prioritize the United Nations system-wide measures for prevention and response" (UN Secretary-General, 2016a, para. 11). The role later includes development of a confidential database of cases to better understand the number of and response to victims (UN Secretary-General, 2017a). This also involves the development of a standardized incident reporting form, so "all parts of the United Nations system gather the same information and present it in the same way" (UN Secretary-General, 2017a, para.40).

A system-wide Victims' Rights Advocate (VRA) was appointed to "be supported by a small staff...to ensure that reliable, gender-sensitive pathways exist for every victim or witness" (UN Secretary-General, 2017a, para. 27). The VRA works with local authorities and civil society organisations to protect victims' rights, promote their access to judicial processes, appropriate care, and follow-up on their case, and to develop tools and networks to support victims, "including remedies for victims" (UN Secretary-General, 2017a, paras 27–29). The establishment of the Office of the Victims' Rights Advocate (OVRA), and the field advocates located in Central African Republic, Democratic Republic of the Congo, Haiti, and South Sudan *should* directly engage victims; they are meant to perform a role which should also assist victims in pursuing justice and receiving redress (UN Secretary-General, 2020b). The four missions with highest cases of SEA saw the appointment of field victims' rights advocates in the Central African Republic, Democratic Republic of Congo, Haiti, and South

Sudan in 2017, to assist victims “in gaining access to judicial redress and in receiving regular feedback on the status of their cases” (UN Secretary-General, 2017a, para. 32). These roles constitute an extension, and to some extent a rebranding of previously established roles including PSEA coordinator, PSEA focal points, and Victim Assistance Facilitators. Where they differ is that they are all dedicated to one role, rather than spread across multiple roles in a mission. These Victims’ Rights Advocates (VRAs) essentially perform a support role in implementation of the pre-existing Victim Assistance Strategy (2007b), but they do so in a process in which they are meant to be in regular and direct contact with victims and survivors immediately after a victim has been identified.

The introduction of the risk management framework in 2018 was a key transformation. It drew in gender concerns and established a mechanism to identify risks and risk factors directly affecting victims (Shotton, 2018). The risk management framework also novelly connects prevention to outcomes and assistance to victims (Shotton, 2018, p.39). The risk management framework especially connects accountability for SEA more closely to peacekeeping outcomes and wider outcomes for the activities of the UN. Jasmine Kim-Westendorf (2020) has directly connected the effects of SEA on peacekeeping outcomes, and this risk management framework begins to acknowledge this connection, signifying a shift towards a mission frame of accountability. Further, the closer integration between normative agendas in this phase support the idea that the mission frame is coming into view.

The next section will discuss the discursive shifts in accountability relationships evident in discourse surrounding victims and the normative agendas around SEA in the new approach.

4.5.2 Reconstituting accountability relationships: coalescing normative agendas

Guterres began to shift the direction of accountability relationships discursively. He sought to work with Member states “on structural, legal and operational measures to make the zero-tolerance policy...a reality” and that transparency, accountability, protection, and effective remedies to victims should be ensured. (Guterres, 2016, n.p). From 2018 there was greater clarification regarding the connection between the Accountability to Affected Populations and SEA frameworks. It was linked to risk analysis and mitigation, trust in feedback and complaints mechanisms, awareness of the standards of behaviour that host populations should expect from UN and humanitarian personnel, and awareness of and provision of assistance and support to those affected by abuse of power at the hands of international interveners (IASC, 2018).

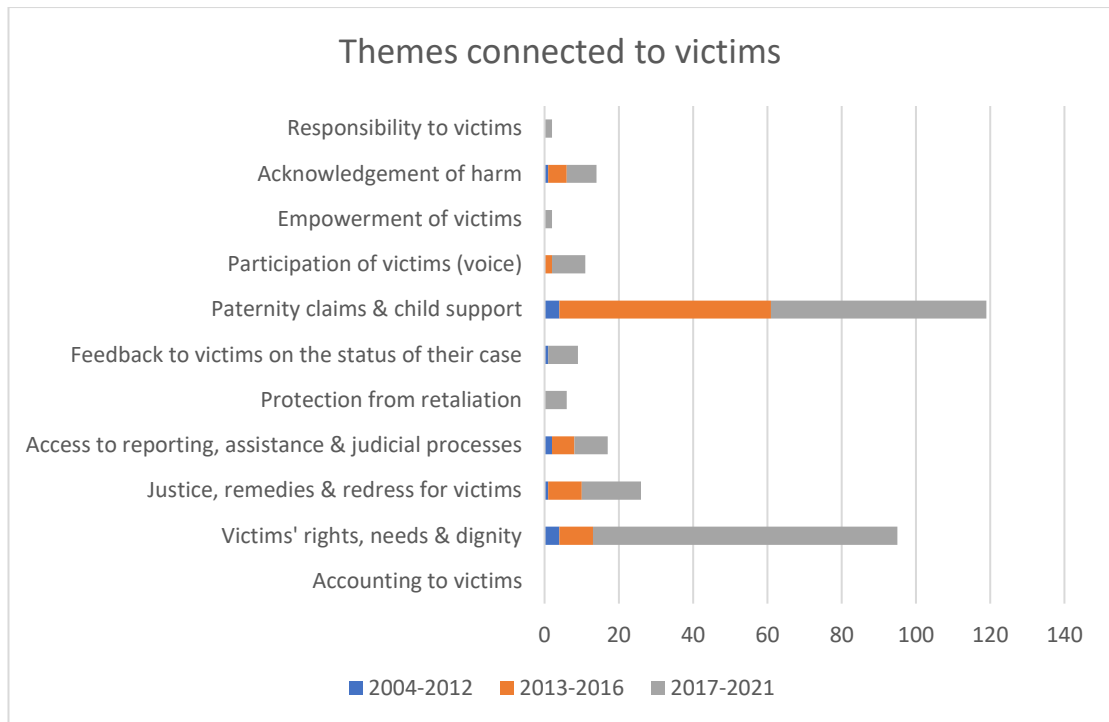


Figure 2 Accountability themes connected to victims in reports of the UN Secretary-General on Special Measures for Protection from Sexual Exploitation and Abuse, 2004-2021

The ‘new approach’ explicitly highlights attentiveness and sensitivity to victims’ needs and uses the language of providing ‘justice and closure for victims’ (UN Secretary-General, 2017a, para. 13.b), language which previously was rarely used. Further, the first pillar of the 2017 new approach seeks to put victims first and “take up the cause of victims from allegation to judgement” (UN Secretary-General, 2017a, para. 13.a), indicating a largely procedural accountability approach to victims, in that a victim centred approach should support victims through an investigation. However, there is no mention made of outcomes or the substance of accountability to victims. But there were a number of discursive transformations evident in the reports of the Secretary General. Themes connected to victims saw an increase in references to rights, needs and dignity, action on long-neglected issues of paternity claims, and some mention of justice remedies and redress for victims (see Figure 2). These shifts were also connected to the coalescing of normative agendas around SEA.

The increased connection between values and normative frameworks suggests a shift towards a mission frame for the accountability agenda. 2012 marked the first instance of the use of the word ‘values’ in the annual report of the Secretary General on SEA (UN Secretary-General, 2012c, para. 31). In 2012 there were greater efforts in the Secretariat to re-think the strategic approach to the problem so that action could be proactive rather than re-active. The presence of references to values increased in the years that followed, eventually connect to ‘universal values and ensuring protection for civilians’ in 2016 (UN Secretary-General, 2016b, para. 37). The connection values is made stronger in 2018 where the annual report of the Secretary-General (2018c) asserts that “every allegation involving our personnel undermines

the Organization's values" (para.2). The uptick in values discourse reflected an increase in connections to normative goals and agendas.

Peacekeeping operations have normative goals of promoting respect for human rights and the rule of law, and peacekeeping personnel are expected to behave in line with these normative expectations (DPKO, 2008, p.23). The problem of the isolation of SEA from other normative areas of the UN work has been highlighted more recently in the feminist scholarship (Westendorf and Searle, 2017; Westendorf, 2017; Mudgway, 2017; Freedman, 2018; Westendorf, 2020). Reforms that began in 2013 accelerated following the fallout from the public crisis in 2015. The UN began to dramatically reframe the SEA accountability agenda as a system-wide matter rather than a sole issue affecting peacekeeping and humanitarian entities, which brought in wider normative areas of work. The key change following the CAR scandal is for Donais and Tanguay (2021) "a normative consensus against sexual misconduct" (p.561). This consensus prompted a series of reforms, but it also brought together a wider array of relevant normative frameworks and connected them more closely to the SEA agenda. One key shift is the closer integration between normative agendas linked to gender equality and empowerment of women, which will largely be the focus of this section. This shift and connection is important, because it indicates, at least discursively, an integration of SEA into understandings of structural inequalities and normative frameworks that are meant to address these inequalities and their impacts.

Further, in the wake of the #MeToo movement as UN staff publicly raised accountability issues implicating senior UN leadership (Summers, 2020; Farge, 2021), a new category of victims were recognised, victims of internal sexual harassment. Sexual harassment is a term used by the UN to refer to forms of sexual exploitation and sexual abuse directed at staff members. This internal focus reflected the need to address system-wide issues with "a culture of discrimination and privilege, based on unequal gender relations and power dynamics" (Chief Executives Board, 2018, p.3). Work was also initiated to examine "the relationship between sexual harassment in the United Nations workplace and sexual exploitation in the field" (UN Secretary-General, 2017a, para. 17). This connection, termed SEAH (sexual exploitation, sexual abuse, *and* sexual harassment) characterises the 'new' platform to address sexual behaviour in the UN system-wide. In efforts to improve engagement with diverse stakeholders and experts it also establishes a civil society advisory board to make "recommendations to strengthen preventive measures" (UN Secretary-General, 2017a, para. 65). The recognition of the spectrum of gender-based harms and sexual violence does reflect some understanding of the role of power and inequality in such encounters. But there was a deliberate distancing of sexual exploitation and sexual abuse from a problem of peacekeeping and humanitarian actors. Instead, it was framed as more of a global problem that pertains both internally to organisations and states and externally to the work of various entities. This expansion is important, but it does risk co-opting the unique circumstances of abuse of power faced by people in post-conflict peacekeeping contexts. Indeed, the issue of sexual

harassment internally has been on the table of discussion for the UN since at least 1993 (see: Joint Inspection Unit, 1993; Joint Inspection Unit, 1994), yet a public international crisis saw it brought onto the SEA agenda to shift the narrative from SEA as a peacekeeping problem to that of a global problem.

The SEAH amalgamation may constitute more of a reputation management tool rather than progress on normative frameworks, depending on how accountability mechanisms function in field missions. But discourse suggests a greater connection to relevant gender frameworks that indicate a positive coalescing of action around SEA.

The UN has acknowledged the role of gender in its broader work on addressing gender-based violence, violence against women, sexual violence, and conflict-related sexual violence as areas inhibitive to achieving the normative agenda of gender equality and maintenance of international peace and security. There is little clarity in how SEA is referred to, either as SEA specifically, as sexual violence, as gender-based violence, as violence against women, and as part of the Women Peace and Security Agenda (WPS). While a few authors have picked up on these inconsistencies (Westendorf and Searle, 2017; Luedke and Westendorf, 2017; Chinkin, 2018), much of the literature on SEA neglects to address it or assumes that SEA falls under a specific framework or set of frameworks.

When Secretary-General António Guterres took his oath of office in December 2016, he declared his intention to reach full gender parity in high level positions (Guterres, 2016). Guterres framed SEA more seriously than his predecessors by explicitly naming them as sexual violence and as crimes, stating that the UN had not done enough to respond to sexual violence and exploitation crimes “committed under the UN flag against those we are supposed to protect” (Guterres, 2016, n.p). Not all forms of SEA are necessarily criminal acts in every jurisdiction, but the sexual violence and crime framing adds a weight and seriousness not quite replicated by his predecessors. In 2017 the Secretary-General’s report explicitly connects gender inequality and discrimination against women to the root causes of SEA, stating:

We must acknowledge that unequal gender relations lie at the heart of sexual exploitation and abuse, and that the potential for this behaviour poses a threat to women and the vulnerable wherever they live or work (UN Secretary-General, 2017a, para. 9).

This marks a distinct shift in the normative frame converging with the SEA agenda. Across the 451 pages of twenty-two reports of the Secretary-General on *Mainstreaming a gender perspective into all policies and programmes in the United Nations System* sexual exploitation and abuse were referenced only thirteen times between 1997 and 2021 (see Figure 3). The vast majority of these references have been made since 2017 (eleven times). The other two references were both made in 2005, the same year that Prince Zeid released his report. The references from 2005 explicitly framed sexual exploitation and sexual abuse as a matter of gender-based violence (UN Secretary-General, 2005b, para. 72). The references since 2017 mostly come

from 2021 (eleven mentions), where, in a significant discursive shift, the report frames ‘enhanced accountability for sexual exploitation and abuse’ under the header ‘Advancing the gender equality agenda’ (UN Secretary-General, 2021a, para. III.16). It further connects gender mainstreaming to efforts to implement the new strategy on SEA (UN Secretary-General, 2021a, para. 86).

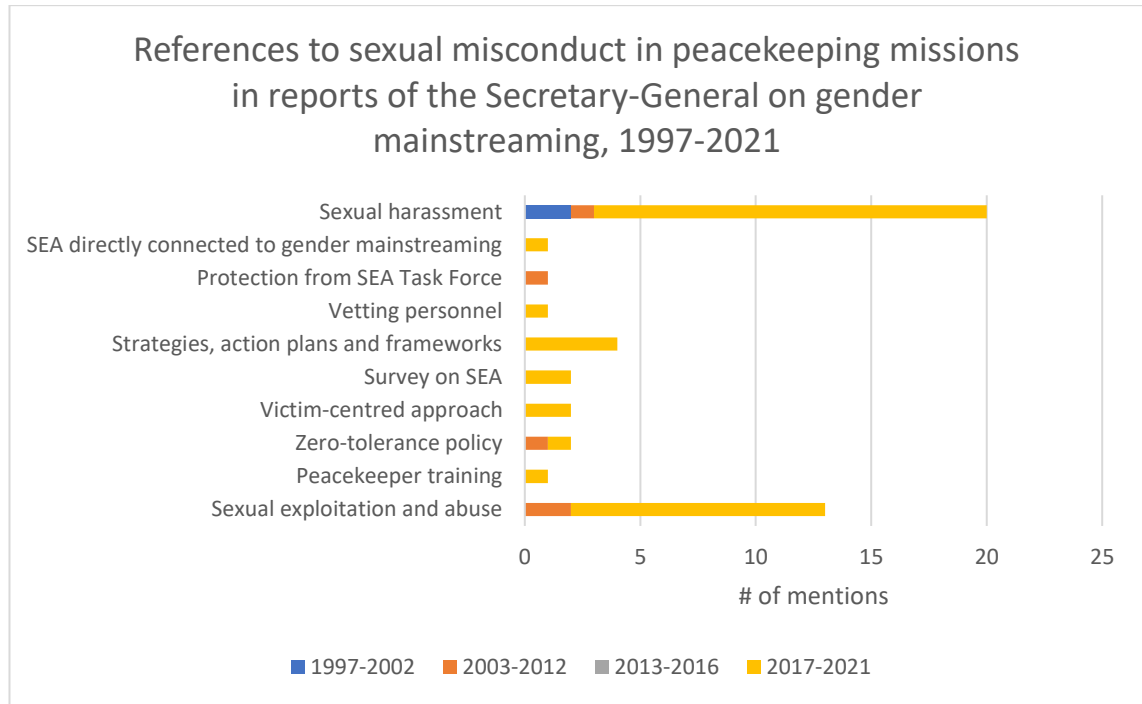


Figure 3 References to sexual misconduct in peacekeeping missions in reports of the Secretary-General on gender mainstreaming, 1997-2021

The 2006 video includes many of the same actors working on the SEA policy agenda in the new approach, including Jane Holl Lute who has been in post as the Special Coordinator between 2016 and 2023, and Antonio Guterres who became the Secretary-General in 2017. Guterres has brought these frames of reference back into the SEA policy agenda from where they left off in 2006 when concerns with false allegations emerged. The framing of the problem of SEA has not followed a linear pattern, it has been bound in politics itself regarding which concepts and framework should apply.

Connecting SEA to gender equality and empowerment of women largely occurred following 2017, but there were some initial connections made to this normative area of work in the early 2000s evidenced in reports of the Secretary-General on gender mainstreaming between 1997 and 2021. Many of the references to gender equality norms in the annual reports of the Secretary-General on SEA have also been made since 2017, where gender balance, gender mainstreaming in planning and programming, and empowerment of women and promotion of gender equality are increasingly mentioned. Prior to this, from 2013-2016 there were minor mentions of the need for gender expertise and empowerment of women. From 2002 to 2012 there weren't any references to gender in the annual reports of the Secretary General on *Special Measures for Protection from Sexual Exploitation and Abuse*. Instead of referring to

gender in these years, more generally attention was granted to concerns with power inequalities.

The reports of the Secretary General from 2018-2021 note advances with respect to the measures outlined in the new approach. They detailed updates to policies and codes of conduct across the system to reflect the victim-centred approach, (UN Secretary-General, 2021b) and numerous efforts to reconfigure a system-wide response and improve the quality of data on allegations, victims, communications, and outcomes. A gender perspective especially gains more traction, especially through the High-level Steering Group on preventing SEA (UN Secretary-General, 2018b) to work of the Victims' Rights Advocates and a commissioned study by the Working Group in SEA "to analyse the causes and consequences of [SEA] from a gender perspective", linking it to the UN's "broader goals on women's human rights, gender equality and women's empowerment" (UN Secretary-General, 2018c, para. 21). There is consistency in language of root causes of "unequal power relations, abuse of power and gender bias" (UN Secretary-General, 2019b, para. 2) and the intention to transform organizational culture "through heightened attention to gender equality and inclusion, as well as recognition of discrimination on all grounds, including race, disability and intersectionality" (UN Secretary-General, 2021b, para. 20). The language of mainstreaming also emerges—mainstreaming a victim-centred approach, prevention and response, and a gender perspective.

Others have critiqued the UN's gender strategy of adding more women to peacekeeping missions. Simić (2010) sees this strategy as problematic because it assumes that women are naturally more peaceful than men, and that they will be able to influence male colleagues not to perpetrate SEA. Evaluations have found that women are not necessarily willing to report their colleagues for SEA (Jennings, 2008). The desire to increase representation of women may also place "the burden of solving" the problem of SEA on other women, which does not necessarily challenge the structural basis of its perpetration (Karim and Beardsley, 2016, pg.113). Further, Simić (2010) argues that "women are on call to save the image of the UN and its damaged reputation, rather than to achieve gender equality" (pg.190).

But the increase in references to gender equality and empowerment of women coincide with reforms made to the 2012 UN System-wide Action Plan on Gender Equality and Empowerment of Women (UN-SWAP) for UN entities and Country Teams that sought to advance commitments made in 2006 to gender equality and empowerment of women in the UN system (UN Women, n.d.). The action plan has as its first priority, since 2006, accountability, or improving "the United Nations system's ability to hold itself accountable" for gender equality and empowerment of women (Kamioka and Cronin, 2019, p.iv). UN-SWAP came into its 2.0 phase in 2018 and aligned the action plan with the Sustainable Development Goals. In 2019 SWAP 2.0 led to the first system-wide overview of progress on gender equality and the empowerment of women and includes an accountability framework (Kamioka and Cronin, 2019). This new framework constitutes a point of leverage

for rethinking accountability relationship in terms of norms linked to gender justice, including gender equality and empowerment of women.

In 2018 DPKO department published their first policy on gender responsive peacekeeping operations in 2018, which amended their 2006 Gender Equality Policy (DPKO, 2006, p.2). The new policy connects to the four pillars of the WPS agenda (participation, prevention, protection, relief and recovery) and its eight UN Security Council Resolutions and has as its aim to ensure “a strong institutional culture that promotes accountability and leadership” (DPKO and DFS, 2018, para. 1). The policy defines accountability as a principle which ensures

that all uniformed and civilian staff personnel and senior leadership advance the principles of gender equality and WPS mandates, in peacekeeping operations, priorities and functions (DPKO and DFS, 2018, para. 9).

This clarification reflects wider connections to other normative goals (see Figure 4). It explicitly connects protection of civilian mandates to gender and protection, and advances aspirations for partnerships with civil society and women’s organizations to promote gender equality (DPKO and DFS, 2018, para. 33).

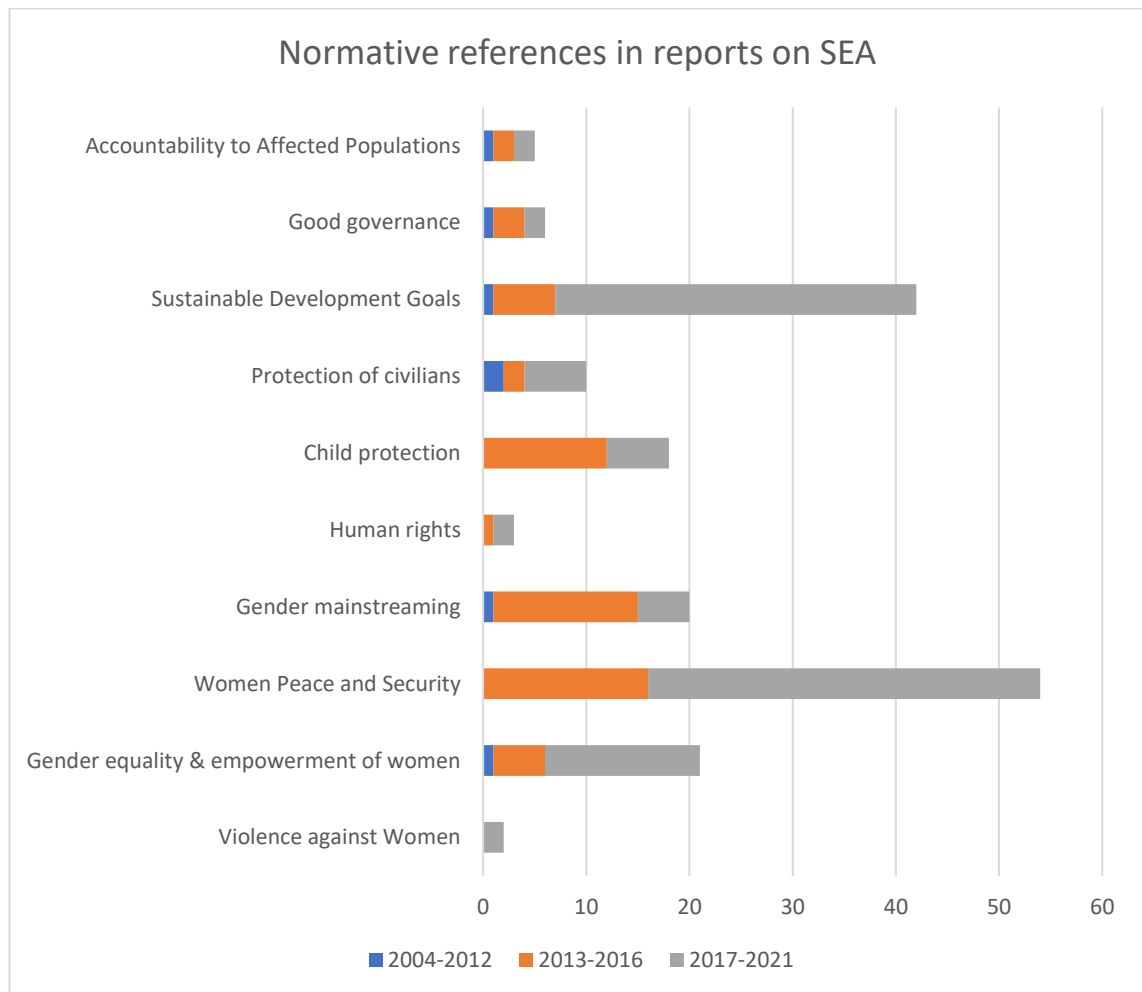


Figure 4 Normative references in reports of the Secretary-General on SEA, 2004-2021

However, the policy does not address sexual exploitation and sexual abuse, sexual and gender-based violence or conflict-related sexual violence, which are dealt with separately as a complement to the Gender Policy (DPKO and DFS, 2018, para. 4).

From 2017 there were also wider shifts in explicitly framing UN action on SEA in terms of good governance, as the Secretary-General articulates aspirations “to make the United Nations an example of best practice and global leadership in the fight against sexual exploitation and abuse” (UN Secretary-General, 2017a, para. 78). By 2018 sexual exploitation and sexual abuse were explicitly connected to the UN’s three pillars (peace and security, human rights, development) and progress towards the Sustainable Development Goals for the first time (UN Secretary-General, 2018c, para. 76). The continued problem of intervener sexual behaviours diverts attention and resources away from advancing progress in these goals (UN Secretary-General, 2018c, para. 2). And, by 2019 sustainable development goals goal 5 on gender equality and the empowerment of women and goal 16 on peace, justice and strong institutions are explicitly linked to progress on SEA (UN Secretary-General, 2019b, para. 76).

4.6 Conclusion

The framing of sexual exploitation and sexual abuse as an accountability matter for the United Nations has gone through successive phases that reflect the idea that there has been sustained engagement on the problem. It moved from a governance focus on codes of conduct and standards of behaviour towards a realm of performance which opened up a wider toolkit of an integrity system and transparency mechanisms. However, sometimes this engagement stalled for lengthy periods of time when peacekeeping institutional actors assumed that a sufficiently robust integrity system was adopted. This neglect to continue to revise the approach, between 2007 and 2012 in particular, was rooted in the belief that sexual exploitation and sexual abuse were not systemic within UN peacekeeping and the UN system, or if they were, it was too risky to the reputation of the UN to publicly action it. This is a key failing of the protection approach adopted to the performance frame, which sought to conceal the breadth of the problem to promote the appearance of integrity of the UN. This logic worked to try to protect the UN rather than victims of abuse of power. Accountability logics that exceptionalised the problem as attributable to ‘a few bad apples’ failed to connect the perpetration of sexual exploitation and sexual abuse to the gendered power inequalities between international interveners and the post population. Instead, protection measures were largely directed internally at the in an integrity-based approach rather than a justice or human rights-based approach to accountability to protect victims, survivors and children fathered by peacekeepers.

However, as the UN system itself debated what accountability meant for the organization, there were signs of convergence in other bodies of the UN that directly connected accountability of the organization to accountability for sexual exploitation and sexual abuse.

This convergence was significant for moving away from the idea that accountability was narrowly a matter of ensuring that appropriate codes of conduct and standards of behaviour were in place, that personnel knew about them, and holding individual perpetrators to account. More recently, as concerns with gender and discrimination have been brought into the accountability agenda, the scope of accountability has led to signs of significant discursive transformations in terms of how the Secretariat in particular view the problem of accountability in terms of power.

The emergent mission frame coinciding with the adoption of a victim-centred approach connects more closely to other relevant normative frameworks that suggest a rethinking of the constitution of the political space of accountability for sexual exploitation and sexual abuse. The power of internal integrity reviews and public advocacy following the scandal in the Central African Republic in 2015 was able to break this cycle and open political space for, at least, discourses of justice and victims' rights to re-emerge in the policy agenda in the 2017 'new' victim-centred approach. The effects of these evolving conceptions of accountability under the umbrella of protection are the emergence of multiple possible meanings of accountability, that signify a small step forward to moving beyond the constraints of the dominant governance and performance frames of accountability, particularly by increasingly representing victims in terms of agency and directing discursive attention towards the rights, need and dignity of victims. To establish with more clarity the implications of these discursive shifts, attention to the means of accountability through mechanisms and outcomes is required. The second half of this thesis takes up these areas.

Chapter 5 Accountability Mechanisms in Field Missions: Critical Deficits

5.1 Introduction

This chapter situates the ‘new’ 2017 victim-centred approach in terms of the specific accountability mechanisms and activities that victims would directly access in field missions before participating in an investigation, which are complaints reception mechanisms and assistance and support. These mechanisms are key for understanding the practice of accountability, including in a victim-centred approach. The practice of accountability mechanisms is key for establishing more clarity regarding the constitution of accountability relationships with victims. Complaints reception and assistance and support mechanisms constitute the core of the integrity system in field missions, and Protection from Sexual Exploitation and Abuse (PSEA) Networks, who coordinate among humanitarian and peacekeeping components, take a lead role in both of these areas.

While there have been some improvements since 2017, overall, they have also been grossly under-resourced. This is concerning because the integrity systems in place in peacekeeping missions are the only accountability mechanisms that directly engage victims, survivors, paternity claimants, and their communities ahead of formal investigations. They also constitute the vast area of practice in the new victim-centred approach. I argue that weak acknowledgment of these areas of action as core to anything that could be said to be victim-centred demonstrates the injustice of misrecognition, as the point at which a victim can be recognised in a process of accountability of justice should receive due priority. Further, extensive human and financial resourcing constitute injustices of maldistribution for the victim-centred approach. And, lastly, neglect of consultation of and establishing participation of affected communities in complaints reception and victim assistance demonstrates political injustice of disparity of participation. Taken together, the basic activities engaging victims exhibit injustice on all aspects by the UN and suggest a bypassing of victims in the ‘new’ victim-centred approach.

This chapter will first discuss the gap in the feminist literature on these mechanisms, and then will outline the role PSEA Networks in receiving and responding to complaints from the year of their establishment in 2008 until the latest evaluations in 2021. It will then detail the status of action over time in complaints reception mechanisms and victim assistance and support mechanisms. It traces progress since the adoption of the new approach in 2017,

which has largely been to grant attention to these neglected areas of action. Following this, the chapter analyses the multiple barriers to reporting and provision of assistance, including in areas that are yet to be actioned in the new approach. One outstanding problem is that communications are largely one-way, from international personnel towards host communities. I then argue that there are three areas requiring further attention, which include enhancing resourcing to these mechanisms, prioritising them as protection duties, and advancing partnerships and collaboration in two-way communication relationships with host communities.

5.2 Under-reporting

The scholarship identifies the role of structural inequalities more widely in preventing victims from reporting sexual exploitation and sexual abuse (Higate, 2004; Ndulo, 2009; Simic, 2009; Smith, 2017). However, there is a puzzling gap in the literature regarding how the status of processes to receive complaints themselves (dis)incentivise reports from victims. Much of the scholarship tends to refer to one publication (see Csáky, 2008) to refer to the role of structural inequalities in making a complaint and there has been no analysis to this author's knowledge regarding what changes have been made to complaints processes that are necessary for allowing victims, survivors and paternity claimants to pursue accountability of perpetrators.

Writing on sexual exploitation and sexual abuse, Kelly Neudorfer's (2014) mixed-methods analysis analyses the outcomes of accountability processes. The author identifies that the sharp decline in allegations between 2006 and 2007 in the Democratic Republic of Congo as attributable to the introduction of a conduct and discipline unit and increased implementation of deterrence measure in missions, including implementation of a code of conduct regulating the sexual behaviours of UN personnel. What Neudorfer does not consider, however, is the critical factor of the presence and accessibility of complaints reception mechanisms in missions. Fewer allegations may well indicate that fewer abuses are occurring, but they can also indicate quite the opposite, that accountability mechanisms are inadequate, and that victims, witnesses and whistle-blowers are unwilling, due to a lack of trust or fear, or unable for some other reason to raise complaints, as has been raised numerous times (see Csáky, 2008; Lattu, 2008; Kleinfeld, 2018). This analysis fails to consider the power dynamics involved in sexual exploitation and sexual abuse in the first instance, and the dynamics that may prevent an individual from raising and pursuing a claim in formal accountability procedures.

There may be costs for victims in claiming rights by participating in accountability processes. Hae Yeon Choo (2013) has argued, based on research with migrant women who were survivors of trafficking in South Korea, that victims exercise their agency in considering not to participate in justice processes because of the material and moral costs of claiming human rights. The author finds that survivors' concern with their moral status in their communities

and families through claiming rights can be threatened, and that some sought alternative paths “that would support their inclusion as moral equals” (Choo, 2013, p.447). Under-reporting against the context of poor visibility regarding outcomes for those who do claim rights and participate in accountability processes can constitute an exercise of agency on the part of victims and survivors. The costs versus the benefits of claiming rights may not weigh up for many survivors. But of course, it is also possible that they do not have access to claiming rights, which this chapter will discuss. The next section will discuss key aspects of the architecture for accountability mechanisms on sexual exploitation and sexual abuse, which are PSEA networks, who coordinate integrity mechanisms of complaints and assistance mechanisms.

5.3 PSEA Networks

The main form of coordination between peacekeeping and humanitarian components on sexual exploitation and sexual abuse is through Protection from Sexual Exploitation and Abuse (PSEA) networks. PSEA networks were established as a coordination mechanism in field missions in 2008 to pursue protection duties on sexual exploitation and sexual abuse. These networks were developed to advance recommendations in the Zeid report to overhaul the reporting system for receiving complaints and providing assistance to victims.

In these networks, UN agency, NGO and peacekeeping SEA focal points collectively ‘sit’ on a committee and share information regarding implementation of SEA policy. They include other Task Forces, clusters, and sub-clusters among different actors with protection responsibilities on sexual exploitation and sexual abuse. If such formal structures are not in place via humanitarian PSEA networks, agencies are still meant to informally coordinate with Conduct and Discipline Teams who respond to misconduct for peacekeepers. The coordination activities involve action on PSEA messaging to personnel and affected communities, preventing duplication of efforts, sharing trends and lessons learned, and most importantly ensuring “that complaints can be referred between the humanitarian’ PSEA Network and the Mission” (IASC, 2020a, p.29). PSEA Networks are critical for establishing a means by which to receive reports of SEA from complainants, and they are also essential for referring victims to assistance and support, including emergency health support. At a minimum PSEA networks perform a role in which they map victim assistance services available in each mission country and establish community-based reporting and complaints mechanisms, conduct community outreach and awareness on SEA, improve staff awareness on SEA policy, coordinate procedures for investigations and ensure that written guidance on victims assistance is in place (Reddick and Hughes, 2010, p.89). One of their main duties is also implementing the Victim Assistance Strategy (see Table 5).

Table 5 Accountability Mechanisms in Field Missions

Mechanism	Purpose	Responsibilities for implementation	Activities
PSEA Networks	Coordination on implementation of the zero-tolerance policy, receiving complaints and establishing a victim assistance mechanism	SEA Focal point, UN Agency, NGO, and Peacekeeping focal points, Conduct and Discipline Teams	Share and disseminate information internally and to communities. Train personnel on the zero-tolerance policy Share lessons learned and best practices.
Complaints Mechanisms	Receive complaints and pass on to appropriate entity for action.	PSEA network members, including Conduct and Discipline Teams	Pass complaints involving humanitarian personnel onto relevant entities for investigations. Receive complaints involving peacekeeping personnel and pass on for investigation.
The Victim Assistance Mechanism	Provide claimants to assistance and support	PSEA Networks, Victims' Rights Advocate	Support claimants to report, receive assistance and follow up on investigations.

There are few evaluations that assess the specific status of PSEA Networks across humanitarian and peacekeeping components in peace operations as there has not been a requirement for joint reporting for the PSEA Task Force, despite the expectation that UN

Country Teams and Field Missions are to work together in this area in peace operations (Reddick, 2010, p.27). The ones that do exist deal with mostly with the humanitarian side (UN Country Teams). Thus, it is quite difficult to outright assess the progress and status of these networks on their own.

Evaluating the characteristics of normative legitimacy and accountability in global governance is limited by the type of information provided or concealed by institutions and by disagreements regarding the expectations for what moral standards institutions should meet (Buchanan and Keohane, 2006, p.425). Flinders has argued that demands for more accountability can actually lessen the transparency of governance actors, who can interpret, frame, articulate and amplify information regarding accountability and use information to “manipulate the public in a certain way” (Flinders, 2011, p.602). In the case of PSEA networks and the complaints mechanisms included in this chapter, the evaluative evidence used has been scattered across multiple websites and was difficult to piece together. These key accountability mechanisms lack a comprehensive analysis and the piecemeal fashion in which existing evaluations are scattered suggests either a neglect of these mechanisms or an intention to conceal.

There have only been two major reviews of PSEA Networks, the first in 2010 and the second in 2021, both written by consultant Anne Reddick (2010; 2021). These reviews catalogue progress with respect to establishing complaints mechanisms and providing assistance to victims, survivors and paternity claimants. Both reviews paint a bleak picture of existing support to victims, survivors, and paternity claimants. By 2021 many of the issues plaguing the 2010 evaluation remained: under-resourcing of PSEA Networks and focal point expertise, under-prioritisation of SEA among management, limited support for victims, and a lack of an agreement of the requirements of a victim and survivor-centred approach (Reddick, 2021, p.24).

The 2010 review of PSEA networks did not offer specific evidence on progress in peacekeeping components, but does note that, in contrast to the humanitarian sector, action in the networks has been embedded “through leadership, the engagement of and monitoring by UN member states” and the Department for Field Support (Reddick, 2010, p.25). The review suggests that humanitarian components had not acted as effectively as peacekeeping components to address their responsibilities for protection from sexual exploitation and sexual abuse. The first review tracked progress on PSEA activities among UN agencies in nine countries, of which only three host peace operations (DRC, Liberia, and South Sudan). The absence of evaluative reports has been picked up, particularly that the PSEA Task Force was not required to make reports to ECHA/ECPS between 2005 and 2010 (Reddick, 2010, p.27). Nevertheless, the 2010 IASC review had little progress to share on PSEA activities for humanitarian components, finding that the vast majority of countries had “either patchy, poor or non-existent” implementation of the zero-tolerance in PSEA Networks (Reddick, 2010, p.7). Humanitarian components in the Task Force have a wide swathe of

responsibilities to establish and maintain integrity mechanisms to advance prevention activities and respond through supporting victims and claimants in pursuing formal accountability processes.

These themes are meant to be interrelated and interdependent, indicating that progress relies on advancement in all of these. For example, prevention activities also rely on support of the affected population who would be able to recognise SEA, encourage victims to report a complaint and to seek assistance. Prevention activities, reporting and assistance rely on sufficient management and coordination on the part of UN entities, who would need to be in continual dialogue with affected populations. In addition to relevant training and management structures internally, the networks are also a key point of contact to affected communities for raising awareness on PSEA activities (such as informing communities of the behaviour they should expect from UN personnel and peacekeepers, what constitutes sexual exploitation and sexual abuse, and how to report and allegation). It is quite concerning that this first evaluation indicates poor humanitarian attention to the problem. The patchy presence of PSEA networks has had implications for complaints reception mechanisms and referrals for assistance and support, which the next section will consider.

5.4 Complaints mechanisms and referrals for assistance and support

Complaints reception mechanisms are largely a means of encouraging complainants (victims and witnesses) to come forward and report allegations; they are an informal structure and “a community-led means of receiving allegations, conducting outreach and awareness raising on reporting” (IASC PSEA, 2021, p.1). If victims do not know how or where to report, then they cannot prompt an investigation or receive any assistance or support. The establishment of reporting mechanisms for SEA is a precursor to an investigation—no report, no investigation. Reporting mechanisms are then essential to combating impunity, holding perpetrators to account, and providing emergency and other assistance to victims. Complaints reception mechanisms are also mandated by the 2006 *Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel*, a declaration adopted by 42 UN entities and 36 non-UN-entities (humanitarian/development components) which states

That complaints mechanisms for reporting sexual exploitation and abuse are accessible and that focal points for receiving complaints understand how to discharge their duties (IASC, 2006, para. 4)

Progress establishing and sustaining accessible complaints mechanisms have been a perennial problem across the period of study (1992-2021). In addition to challenges coordinating among multiple humanitarian agencies and peacekeeping personnel, complaints reception mechanisms have suffered from gross under-resourcing and there have only been marginal improvements since 2017.

PSEA networks are key to establishing complaints mechanisms. They do not deal directly with complaints or investigations but put in place mechanisms for receiving complaints and passing them on to the appropriate individual entity (e.g., UN agency or Field Mission) for further action, including referrals for victim assistance and support (Reddick, 2010, p.48; IASC PSEA, 2021). Each UN entity should have its own means of receiving complaints via a focal point, but it is not always clear to the victim which UN entity the perpetrator is affiliated with or indeed where or how to report. Further, victims might not feel comfortable or safe making a complaint against a staff member in their place of work (United Nations, 2017, p.19). Thus, complaints mechanisms are meant to be established in communities. Referred to as community-based complaints mechanisms, they are a system built on community engagement through both formal and informal community structures to provide accessible and safe means through which to report grievances, including incidents of sexual exploitation and sexual abuse, so that action can be taken by the appropriate entity (IASC, 2016b, p.1). These mechanisms are also avenues for outreach and awareness-raising activities conducted by conduct and discipline teams, UN agencies and other UN partners. (UN Secretary-General, 2018c, para. 40). These activities are part of the UN's prevention strategy and are meant to communicate what provisions and support affected local communities should expect to receive from the UN in order to discourage transactional sex and reduce risks of sexual exploitation and sexual abuse.

In addition, on the humanitarian side, individual agencies set up their own community-based complaints mechanisms and their own protocol for receiving and responding to allegations, but it would be difficult for victims to know which agency their perpetrator works for and indeed where and how to report an allegation (IASC Task Force, 2012). Considering the complexity of coordination across UN agencies in the humanitarian component, they have an additional type of complaints mechanism called an inter-agency complaints mechanism which establishes processes for complainants to “go to *any* complaint channel with a complaint about any organization and his/her complaint will reach the appropriate agency for investigation and follow up” (IASC, 2016b, p.1). Peacekeeping and humanitarian components of peace operations are meant to coordinate on community-based complaints mechanisms where they receive complaints for each other's personnel.

PSEA Networks are responsible for ensuring a victim assistance mechanism is in place for victims, and they tend to rely on establishing referrals through pre-existing services for sexual and gender-based violence (Gender-based Violence Area of Responsibility Working Group, 2010, p.25). There is an acknowledgement that these are the kind of support and services that victims will need are generally similar to that of victims and survivors of sexual and gender-based violence, including emergency medical care, psycho-social assistance, sexual and reproductive healthcare, legal assistance, safety from further violence, and services to meet basic needs.

PSEA Networks have individuals or teams of individuals called focal points who are meant to ‘do’ these essential roles on reporting and referrals for victim assistance. The 2003 Secretary-General’s Bulletin on *special measures for protection from sexual exploitation and abuse* stipulates that focal points should be appointed ‘at a sufficiently high level’ in Heads of Department, Office or Missions to receive reports on cases of SEA (UN Secretary-General, 2003, sec. 4.3). Focal points should be known in the communities in which they work and are meant to serve under Head of Office or Mission, Resident Representative or Country Director and should be responsible for coordinating implementation of the UN’s SEA policy (UN Secretary-General, 2003, sec. 4.3). Their duties are to coordinate with in-country PSEA Networks and to facilitate awareness-raising in affected communities on their rights. This includes communicating the behaviour to expect from UN personnel and how and where to report misbehaviour. Focal points have prevention and response duties internal to Country Teams and Field Missions, including ensuring that there are internal procedures for handling complaints and that UN personnel are aware of their obligations to host populations. They are also meant to receive complaints from victims and make referrals for victim assistance and support through victim assistance mechanisms.

Once a complaint has been made to a focal point or Conduct and Discipline Team, complainants should be referred for assistance and support, including emergency medical assistance through victim assistance mechanisms and networks (IASC PSEA Task Force, 2004, para. 18) or through facilitating access to support where the mechanisms are not established (ECHA/ECPS UN and NGO Task Force on PSEA, 2008, p.2). Victim assistance mechanisms derive from the 2007 General Assembly Resolution on the *Comprehensive strategy on assistance and support to victims of sexual exploitation and abuse by United Nations staff and related personnel* (UN General Assembly, 2007b). These mechanisms essentially are coordinating tools to connect pre-existing services and assistance available to victims for referrals after a complaint has been made and PSEA Networks are also responsible for establishing them (IASC, 2016a, p.30). Networks of assistance mechanisms connect multiple forms of services and forms of support that victims can be referred to. They are key coordinating mechanisms that are essential to implementing the Victim Assistance Strategy that serve as the site of core activities that directly engage victims. But implementation of the victim assistance strategy relies on two pre-requisite mechanisms: PSEA networks and community-based complaints mechanisms.

5.4.1 The status of complaints mechanisms

The minimum standard for a complaints mechanism is that all of the affected population “have been engaged in the development of an effective complaints mechanism, understand how to access the mechanism, and know how to report any problems through the mechanism” (Reddick, 2010, p.49). Evaluations on community-based complaints mechanisms are nascent and do not quite build a full picture of what is happening among

peacekeeping and humanitarian components in peace operations. The peacekeeping components, however, have no such comprehensive report that solely deals with complaints mechanisms. What it does have, however, are several reviews and reports which offer a snapshot of the status of community-based complaints mechanisms in missions, including from reports of the Secretary General. I must express just how complicated it has been to try to work out what is happening with complaints mechanisms. In interviews and emails, officials have carefully bypassed or brushed over my questions relating to community-based complaints mechanisms, or who have only mentioned that they exist ‘to varying degrees of quality’ (Staff of international organization, 2020).

By 2010, with the exception of a few agencies, community-level engagement and complaints mechanisms for SEA were not established and very few complaints were being received (Reddick, 2010, pp.7–8). Among humanitarian components only half of the fourteen agencies surveyed had a complaints mechanism, and only two of these were able to articulate in detail their approach to monitoring and receiving complaints (Reddick, 2010, p.43). Communities on the whole were not informed of their rights nor of behaviour to expect from UN personnel, especially regarding their sexual conduct (Reddick, 2010, p.51). This was part of wider impressions that sexual misconduct was a peacekeeper and not a humanitarian problem (Former staff member of international organization, 2020).

But it was also a problem of under-resourcing. PSEA networks have been plagued by under-resourcing from member states. For instance, in 2009 the PSEA Task Force sought \$2.1 million funding from member states “to support development in the areas of accountability, reporting, capacity development and institutionalisation over a two-year period” (Reddick, 2010, p.28). By the time of the release of the evaluative report in 2010, none of these funds had been provided by donors. Further, by 2010 humanitarian components of most missions had little to no awareness/information disseminated regarding the identity, purpose and contact details of focal points (Reddick, 2010, p.51). There were “many humanitarian settings in which there are no PSEA focal points or PSEA in-country networks” (Gender-based Violence Area of Responsibility Working Group, 2010, p.25). Where focal points existed, the duties of these roles were often not included in job descriptions nor was adequate time allocated to these roles (Reddick, 2010, p.46). Indeed, less than half of focal points received training for their role, and many were unaware of what their role involved (Reddick, 2010, p.45). The exception was the peacekeeping mission’s Conduct and Discipline Team in the Democratic Republic of the Congo, who had a full-time team on PSEA (Reddick, 2010, p.44).

How a report is received and what information is collected from the victim/complainant by the focal point has implications for the investigation. If the focal point or another staff member interviews the victim and is not qualified to do so, they may inadvertently compromise the investigation. The focal point might also deter the victim from participating in an investigation, for instance by asking intrusive questions or through hostile or other

unethical behaviour towards the victim/complainant. Gender experts and gender units have been more widely been grossly under-resourced in peacekeeping operations (Reeves, 2012).

By 2012, a decade since allegations of sexual exploitation of refugee children in West Africa prompted UN action to address SEA, the IASC reported that despite attention from the humanitarian sector, media, and donors, “there is little experience and data to draw upon in the analysis of what does and doesn’t work in terms of community-based complaints mechanisms” (IASC Task Force, 2012, p.2). The absence of reports, or few reports, has also given the false impression in some cases that SEA is not a problem. For instance, in Democratic Republic of Congo a legacy of intermittent PSEA networks in Kinshasa did not raise any flags amongst humanitarian personnel regarding the possibility of problems with SEA. This network “was revived in 2009 after it stopped meeting in 2006” (Reddick and Hughes, 2010, p.37). Humanitarians in Goma had not had a PSEA network meeting until the IASC review team arrived in 2009. The absence of a PSEA network meant it was extremely unlikely that the core responsibilities of the network were being carried out (e.g., awareness raising on SEA, establishing complaints mechanisms and assistance and support for victims).

It is also not surprising that none of the agencies in the review received any complaints of SEA in the past few years, and agency personnel concluded “that this indicated that there was no significant problem and that there was little need for additional activity on PSEA” (Reddick and Hughes, 2010, p.37). And yet, the review team spoke with local people, especially women’s groups who were well aware of examples of SEA perpetrated by UN personnel. The two agencies who did set up complaints mechanisms in DRC by 2010 did not promote the mechanisms as a place to receive reports of SEA. Instead, complaints mechanisms “were promoted as being for reporting other issues such as corruption” (Reddick, 2010, p.49). Now this is contrary to what these mechanisms are meant to be doing. Further, as I have argued in Chapter 3, some forms of sexual exploitation and abuse should be considered forms of corruption, particularly survival sex. Agencies should be raising awareness of the complaints mechanism and its purpose with respect to SEA. The important point is, that all of this not only contributes to a lack of clarity around case rates for the humanitarian community, but it also means that victims of humanitarian personnel would have found it very difficult and to pursue accountability of perpetrators or seek assistance for the abuses suffered.

In 2012 community-based complaints mechanisms were rare, especially the interagency community-based complaints mechanisms that are meant to pass on complaints to appropriate UN entities for investigation and referrals for victims (IASC Task Force, 2012). But there were some improvements, with eight out of sixteen countries hosting integrated peacekeeping missions having in place formal or informal in-country PSEA networks by 2012 (UN Secretary-General, 2012a, para. 129). On a basic complaints level, complaints boxes become a minimal effort site for making complaints within a community, but these

were largely a failure. Not only was the risk of stigmatisation for being ‘seen’ to drop a note in the box a deterrent for reporting, but there was no visibility in the communities or among victims as to what was done with the contents of these boxes. Complaints boxes have been described as a ‘black hole’--- where complaints/feedback disappears “without getting proper attention” (IASC Task Force, 2012, p.4). This has implications for understanding the scale of the problem, as this evaluation suggests that it is likely that the only complaints that were received would be from victims or witnesses who were able to identify the UN entity affiliated with the perpetrator, and how and where to report. Additionally, by 2009 victim assistance networks were ‘generally weak’ and not established in most countries (UN Secretary-General, 2009a, para. 14). However, the only mission that referred all victims to some form of assistance by 2015 was the mission in DRC (OIOS, 2015, para. 59), suggesting that greater efforts, resources and/or networks for collaboration were available in this mission. DRC has a robust network of organisations, especially women’s organisations, providing services to victims and survivors of sexual violence. These networks offered more opportunities for more robust mapping and referral systems.

There have been, however, developments in the procedures used to collect information from claimants. A standard incident reporting form is under development to streamline information collected on complaints and to improve cooperation from the UN entity receiving the report. It began piloting in DRC in 2019 and was rolled out to three other countries in 2019 (United Nations, 2021a). How it took the UN this long to standardise the information needed to collect from allegations of SEA is baffling. How information is collected from those receiving complaints has implications for investigations, which could themselves be compromised in the reporting process. This was largely the reason that the case was dropped against the French Sangaris troops who allegedly sexually abused children in Central African Republic (Deschamps et al., 2015; Morland, 2016; Kleinfeld and Dodds, 2019). However, the standard reporting form has been challenging to implement, as focal points have reported that the length of the form is a problem, as personnel may not understand the purpose of certain fields and could unintentionally compromise an investigation (IASC and CEB, 2019, p.2).

From 2012 there were efforts to try to capture promising practices in complaints mechanisms. Since then, a great deal of attention has been granted to producing guidelines on establishing complaints mechanisms in missions, but this has not been met with appropriate resources, including personnel and material resources, to signify a strong investment in integrity and accountability. And, from 2016 onwards a number of agencies and missions developed (in many cases their first) Standard Operating Procedures for receiving complaints (see for example UNMIL, 2016; MINUSCA, 2018b; OCHA, 2021). In 2016 the IASC released two rather lengthy documents on guidance for establishing community-based complaints mechanisms numbering 65 pages (IASC Task Team on Accountability to Affected Populations and Protection from Sexual Exploitation and Abuse,

2016) and 287 pages (IASC, 2016a). These extensive guidebooks identify and explain a range of implementation strategies for establishing community-based complaints mechanisms.

There is very little evidence on the status of community-based complaints mechanisms after the new approach aside from a few examples and few lines in reports and some data points without much of a comparison. But according to the 2018 annual report on PSEA of the Secretary-General, all peace operations should have had ‘formal or informal’ community-based complaints mechanisms since 2016 (UN Secretary-General, 2018c, p.40). Reports of the Secretary-General note that there are ongoing efforts to “strengthen reporting mechanisms” (UN Secretary-General, 2019a, para. 126) and that “[c]ommunity based networks and other reporting mechanisms in peacekeeping operations continue to receive complaints of sexual exploitation or other misconduct” (UN Secretary-General, 2020a, para. 155).

However, the 2021 review found that challenges remained in terms of the new black box of report: telephone hotlines (Reddick, 2021). Not only may those who wish to report not have access to a working telephone, but they may also be deterred from speaking to someone about a sensitive issue on the phone. Critically, the consultant found that there was little evidence of consultations with communities that support the conclusion that a hotline is the best way forward (Reddick, 2021, p.32). The hotline solution reflects wider issues of under-resourcing PSEA detailed in the 2021 review, including unfunded networks and “the struggle to find the resources to support a UN Volunteer” in a PSEA coordinator post (Reddick, 2021, p.50). PSEA Coordinators are key support positions for conducting risk assessments with communities and supporting the establishment and sustainability of a PSEA network. Without them, there is little chance of dedicated attention to coordination.

Since 2017 Field Victims’ Rights Advocates have taken on roles similar to focal points to directly support and engage with victims, survivors, and paternity claimants. Field advocates are meant ensure that “a victim-centred, gender- and child-sensitive and non-discriminatory approach is integrated into all activities to support and assist victims” (UN Secretary-General, 2017a, para. 26). They also engage in mapping victims’ rights approaches, services available system-wide, improving work on facilitating paternity claims, coordinating assistance and support, developing a methodology to seek feedback from victims, conducting gap analysis and cording with existing gender-based violence responses (UN Secretary-General, 2018c; UN Secretary-General, 2019b; UN Secretary-General, 2020b; UN Secretary-General, 2021b). They also network and coordinate with a multitude of local, national, and UN actors in the countries in which they serve.

There are mission-specific indications of the expansion of complaints mechanisms in the Central African Republic since 2017 (UN Secretary-General, 2018c, para. 40). The mission’s plan of action on sexual exploitation and sexual abuse indicates it intends to establish complaints mechanisms in all regions in “every high risk region” where the mission is

deployed to support victims (MINUSCA, 2018a, p.7). As mitigating factors, they offer a hotline, email address and the use of Community Liaison Assistants (CLA) in areas where there aren't complaints mechanisms (MINUSCA, 2018a, p.10). Other missions have less well-established complaints mechanisms. Victims' Rights Advocate in Haiti, Ritu Gambhir, stated in an on-the record webinar in 2021 that complaints pathways in Haiti were "not well developed" because resources were always an issue (Gambhir, 2021).

However, progress in the humanitarian sector appears slower. In 2020 the United Nations Children's Fund, who regularly operates in peace operations, admitted "that many staff are still unclear on where and how to report potential misconduct or inappropriate behaviours" (UNICEF, 2020, para. 30). A 2020 UK government-commissioned review of the sexual exploitation and sexual abuse in the aid industry identifies a lack of knowledge retention and institutional learning, and a scattered approach to building "a body of knowledge and evidence upon which to base SEA programming" (Independent Commission for Aid Impact, 2020). Like much of the SEA scholarship, it also criticises the almost singular attention given to training and improving conduct and discipline, and insufficient attention to addressing the needs of victims and survivors.

When community-based complaints mechanisms are effectively in place, including the appropriate community awareness raising that accompanies it, it is likely that complaints will increase in number.

Table 6 Allegations made to UN Agencies, 2012-2021

Year	Number of allegations
2012	28
2013	30
2014	28
2015	30
2016	42
2017	75
2018	119
2019	134
2020	136
2021	137

Source: Numbers were identified through annual reports of the Secretary-General on special measures for protection from sexual exploitation and abuse from 2012-2018, and the UN's database of allegations on UN staff members and related personnel.

This has obvious implications for agencies who may not ‘want to know’ about the allegations for reasons of complicity in SEA or indeed fears of losing donor funding. However, there may be issues with agencies not having the capacity to respond (Reddick, 2010, p.57). According to the new database of allegations following the new approach, there has been a dramatic increase in allegations made against humanitarian personnel, suggesting that progress in establishing complaints mechanisms is improving (see Table 6). There was an eighty per cent increase in allegations from 2012 and 2021, and a forty-five per cent increase from 2017 to 2021.

The dramatic rise in allegations suggests a few possible situations, one is that UN agency personnel are perpetrating sexual exploitation and sexual abuse more frequently than before. The other is that complaints reception mechanisms are more accessible and victims and paternity claimants are more able to make a complaint. Another possibility is that more false allegations are recorded, or the data could suggest a combination of all of these factors. This author takes the position that the increase in allegations is more likely attributable to improved accessibility of complaints mechanisms. The increase in complaints has also led to an increase in the use of victim assistance mechanisms.

5.4.2 The status of victim assistance mechanisms

Strengthening support to victims constitutes the first priority of the victim-centred approach, as the Secretary-General claims it functions “to restore our personal connections with and empathy towards victims of these heinous crimes in meaningful ways and give visibility to those who have suffered the most” (UN Secretary-General, 2017a, para. 20). Despite the assertion that by the UN Secretary-General in 2012 that “the entire United Nations system is accountable for implementation” of the 2007 Victim Assistance Strategy (UN Secretary-General, 2012a, para. 130), progress has been slow largely because the strategy has never had any regularly allocated budget. Instead, missions and agencies have had to pool resources to try to implement the strategy. As has been identified in other reports, these resources have been woefully inadequate (OIOS, 2015). Until guidance was provided on how to implement the strategy, quick-impact projects (QIPS), which are time-bound funded activities, were used to support victims in the Democratic Republic of Congo, Haiti, and Liberia (UN Secretary-General, 2009a, para. 69). The resourcing demands of the strategy for agencies were a point of concern from the beginning, particularly as the content of the policy strategy was poorly understood (Reddick, 2010). And so, the minimum standard on victim assistance for UN agencies just that they have written guidance on victim assistance. By 2010 only two out of fourteen UN agencies had this guidance and overall, there was ‘extremely low’ levels of implementation as agencies were working out how to resource them (Reddick, 2010, p.54). Carla Ferstman (2020) adds that victim assistance and support was never understood as a requirement, but as an appropriate action. As argued in Chapter 3, the second phase of policy action (2002-2012) paid little heed to the needs or rights of victims,

survivors, and paternity claimants. But in resourcing and other areas, some progress has been made since 2017.

PSEA networks have been involved in mapping victim assistance services since 2009 in ten countries (UN Secretary-General, 2009b, para. 21). Conduct and Discipline Teams in Field Missions are responsible for leading this mapping in PSEA Networks, but they are meant to develop a joint approach among Field missions and UN Country Teams in peace operations for consistency in facilitating victim assistance in a country (OIOS, 2015, para. 58). Mapping of services should involve consultations with the host government, local service providers, communities and civil society, humanitarian components, and international NGOs, as they are the entities expected to deliver assistance and support to victims based largely on what is already in place (for victims of sexual and gender-based violence) (OIOS, 2015). There have been issues establishing and maintain up to date sustainable maps of services, and assistance networks have had to be re-established multiple times (UN Secretary-General, 2009a; 2013c; 2015; 2021b). By 2012 twelve missions had assistance maps (UN Secretary-General, 2013c) but an evaluation of the mechanism in 2015 found that victim assistance mechanisms had in fact assisted very few victims (less than 12%), and it is unclear exactly what kind of assistance these victims received (OIOS, 2015). Indeed, the expert report from 2013 even evidenced that some staff were intentionally discouraging “too much assistance to victims” beyond minimum immediate needs (Awori et al., 2013, p.15). Considering how few victims had received any assistance, the attitudes towards providing assistance indicates poor overall views of complainants.

Progress has been slow. One of the problems in researching this topic is that the data is sparsely available, which grants some insight into the extent to which the assistance mechanisms have been prioritised by UN institutional actors. By 2011 “only six peacekeeping missions had mapped assistance services in their territory, and assistance had been provided to only three victims in three missions” (OIOS, 2015, para. 58). By 2012 only five missions had mapped or identified any services for victims (DRC, Darfur, Liberia, Timor-Leste, and Côte d’Ivoire) and only three missions (Liberia, Haiti, DRC) provided any form of assistance to victims (UN Secretary-General, 2012a, para. 129). By 2014 three additional missions mapped victim assistance services (OIOS, 2015, para. 58), and the following year, among the nine missions who have mapped services, only four verified that any victims were actually referred to these services, and with the exception of the Mission in Democratic Republic of Congo, only five to six per cent of victims were referred to services in the other three missions (OIOS, 2015, para. 59). There were efforts in 2009 to appoint Victim Support Facilitators who were selected through implementing partners in missions to help support the establishment of networks and the delivery of assistance” (UN Secretary-General, 2009b, para. 6) but these roles were never mentioned again in annual reports on the topic.

Concerns with resourcing of the victim assistance mechanisms were a key recommendation put forward in the major review of peacekeeping in 2015. The High-Level Independent Panel

on Peacekeeping Operations clarified the problem of under-resourcing with respect to accountability outcomes for victims:

There is no comprehensive, systematic, and adequately resources programme to provide assistance to individual victims or children born as a result of sexual exploitation and abuse. All of those grave shortcomings have a severe impact on the ability of victims to seek justice and to see it being done by the United Nations (2015, para.281).

In early 2015, prior to the scandals, the Secretary-General explicitly requests “the creation of a common funding instrument” to help fill shortcomings in assisting victims, clarifying that the “instrument would not be a means of compensating individual victims” but should be used for community outreach, identifying providers of services, and “support to identified service providers” (UN Secretary-General, 2015, para. 65). This request refers to a Trust Fund for victims of SEA, a recommendation that originates a decade earlier in the Zeid Report (UN General Assembly, 2005b). The Victims’ Trust Fund, established in 2016, has been able to provide some resourcing to help fill needs in establishing and sustaining victim assistance mechanisms, but this is far from adequate to fill resourcing needs. The objectives of the trust fund are to provide specialized services, engaging in community outreach, addressing service gaps in victim assistance and support and paternity claims, and in providing additional support and communications “for complainants, victims and children born as a result of SEA” (United Nations, 2019, p.2). The Trust Fund has been used to fund complaints and assistance mechanisms in the Democratic Republic of Congo and victim assistance in the Central African Republic (United Nations, 2019; United Nations, 2020). By 2018 the UN rolled out a centralised tracking tool for victims’ assistance provided in peace operations. This tracking tool is meant to be accompanied with mapped services available for such support (UN Secretary-General, 2018c, p.34). Roughly half of victims who made reports to UNICEF in 2019 received assistance, and of those who did not it was either because they did not want assistance, assistance was not identified, or the victim was unreachable (UNICEF, 2020, para. 66).

But overall, evaluations on victim assistance in 2015 and 2021 both found that very few victims of SEA had received any form of assistance (OIOS, 2015; OIOS, 2021). There remains a “lack of adequate and sustainable funding and resourcing to provide for the assistance and support to victims” (Office of the Victims’ Rights Advocate, 2020, p.3). The Field Victims’ Rights Advocates have taken a lead role in improving communication with victims, including in assisting with referrals for further assistance, and they are meant to work to build support networks to assist victims. However, there are significant service gaps, especially for basic services in remote areas, which “were at times non-existent” (Office of the Victims’ Rights Advocate, 2020, p.3). Field Victims’ Rights Advocate in the Democratic Republic of Congo, Christine Besong, has stated that “at times we don’t have all the different services that victims do needs. At times we are able to bridge the gap with the little resources we have” (Besong, 2021).

One area of assistance that is ‘largely unavailable’ is legal aid the support accountability of perpetrators, including for paternity claims (UN Secretary-General, 2021, para. 34). The minutiae of funding from the Trust Fund is far from adequate to fill these resourcing needs. Indeed, as others have said, “the implementation of the Comprehensive Strategy in praxis is difficult to ascertain” (Simić and O’Brien, 2014, p.354), particularly in light of resourcing gaps. The limited assistance available to victims, survivors, and paternity claimants compounds protection failures of UN peacekeeping actors. There are multiple additional barriers that will be discussed below that often prevent victims from accessing the support and services they need.

These resourcing issues for victims and survivors of sexual and gender-based violence are not isolated to SEA. Less than 1% funding was allocated for prevention *and* response activities for sexual and gender-based violence worldwide (OCHA, 2019). More than two decades of the Women, Peace and Security agenda sees a small budget for actually responding to victims. There are needs more widely to acknowledge resourcing obligations as components of accountability for responding to sexual and gender-based harms.

5.5 Barriers to reporting

Complaints mechanisms are the first point of entry for victims into accountability processes. The status of complaints reception mechanisms, particularly community-based complaints mechanisms in peace operations far from sufficient. In nearly twenty years of the UN’s SEA Policy Agenda, attention is just recently picking up. Past insufficiencies of community-based complaints mechanisms imply a gross underreporting of SEA perpetrated by UN personnel. The poor attention to cultivating accessible complaints mechanisms constitute just one of many barriers that victims, survivors and paternity claimants face in pursuing accountability and justice. The UN is well aware of barriers victims face in making a report, including a “lack of information, fear of reporting, and lack of trust or availability of reporting mechanisms” for victims (UN Secretary-General, 2009a, para. 70). The new approach has made some strides in information and availability of reporting mechanisms that would also allow claimants to seek assistance through victim assistance networks. But issues with fear and trust have been less prominent in the victim-centred approach.

When the scandal implicating UN and aid workers in sexual exploitation and sexual abuse, including sex for jobs, in the Ebola response in the Democratic Republic of Congo in 2020, many victims came forward to reporters but not to UN officials through complaints mechanisms (Flummerfelt and Peyton, 2020). This scandal did not implicate the peacekeeping mission, but humanitarian actors, including UN agencies, sent to respond to the Ebola outbreak. I’ve chosen to include this here because the new approach involves PSEA activity system-wide, not just in peace operations. Further, the affected regions also have a regular presence from components from peace operations, and so host communities see this kind of behaviour from UN and NGO personnel, inside and outside of peace

operations. Further, the joint review of the response is one of the only recent assessments of reporting mechanisms. The findings on complaints mechanisms were damning for the area of the Ebola response (North Kivu and Ituri provinces). While sixty-four complaints mechanisms did exist, they

are largely based on two modalities, hotlines and suggestions boxes. Based on interviews, neither entry point is being effectively utilized by beneficiaries or community members to report SEA allegation, drawing into question whether they were designed based on community feedback about preferred methods to report (Emergency Director's Group, 2020, pp.12–13).

NGO Insecurity Insight collated lessons learned from the mechanisms in place to receive reports of sexual exploitation and sexual abuse during the Ebola outbreak. They identified three forms of reporting mechanisms, including hotlines, suggestions boxes, complaint tables established for the activities of NGOs and UN Agencies and found that they

produced no information on cases of SEA that were later documented through investigations...The majority of reported cases were uncovered by external investigations rather than internal reporting mechanisms (Insecurity Insight, 2020, p.1).

The inter-agency hotline for reporting in the PSEA networks are not free in DRC (Emergency Director's Group, 2020, p.13), which has clear implications for accessibility, and complaints boxes have long been identified as poor practice.

Hotlines and complaints boxes are a problematic transparency and integrity initiative, as they present the appearance of accountability but are poor in terms of offering feedback (Madianou et al., 2016). Further, as argued by Luedke and Westendorf, hotlines and complaints boxes are technical initiatives that do not adequately address “the factors that shape victims’ choices about reporting or ensuring that such policies are properly resourced and supported by senior leadership” (Luedke and Westendorf, 2017, p.6). The structural and cultural context within which victims seek assistance is a key aspect of integrating a gender-sensitive approach to complaints mechanisms. Such attention to the specific needs or even risks to victims has been well-documented (ECHA/ECPS PSEA Task Force, 2009) as a need but poorly implemented. Further, these regions did not have an inter-agency complaints mechanism, despite one region being a site for a pilot one in 2015. This complaints mechanism was no longer used.

The next sections will discuss some of barriers to complaints and the reasons complaints are not made.

5.5.1 Underreporting: retaliation, stigma, and the continuum of harms

Victims and complainants have multiple potential additional harms that can result from making a report of sexual exploitation and sexual abuse, which is why it is so essential, if action is to be taken to protect victims and pursue perpetrators at a minimum, that complaints reception and assistance mechanisms are accessible, well-informed regarding

actions to take in protection, and well-resourced enough to be able to follow through on its duties. A report by Corinne Csáky (2008) for Save the Children found from interviews with victims that they did not make a formal report for fear of losing emergency assistance, stigmatisation, threat of retaliation, lack of awareness of rights, not knowing how to report, worries that they would not be believed, lack of access to legal services, and 'lack of faith in the response' (pp.12-14). The same study found that local authorities "can feel powerless to act against an international actor" (Csáky, 2008, p.16) and may be worried about the consequences of pursuing action. Westendorf (2020) found evidence in Haiti of reluctance of local police to raise and investigation allegations because they "worked with and relied on UN peacekeepers for their own security" (loc 1681). And, in DRC victims demonstrated a resistance to participate in formal procedural processes, which is not unusual in other contexts.

The cost of claiming rights, including through reporting an allegation, can be high. Choo's (2013) study on migrant women in South Korea challenges the idea that rights are cost-free and waiting to be accepted. She looks at how people negotiate costs and benefits of claiming rights, including through reporting sexual violence or exploitation. Choo reconceptualizes "the act of claiming and practicing rights as a complex process of negotiation that involves not only benefits but also the costs associated with taking up the offered rights" (Choo, 2013, p.447). However, making a complaint even if there is no intention to participate in an investigation can, if in place, offer victims' access to services to address their needs. But making a complaint in the first place, even without the intention to cooperate in an investigation, can have a series of negative consequences for victims. The costs of claiming rights for victims and survivors who do report can include stigma, retaliation from perpetrators, families, communities, police, and even armed groups active in mission areas (Human Rights Watch, 2014, p.28).

There is also evidence of 'systematic victim-blaming in the aftermath of allegations', especially for cases of transactional sex (Westendorf, 2020 loc. 2006). The burden of proof then typically resides with victims, "who may have difficulty 'proving' allegations for the very reasons that made them vulnerable to SEA in the first place" (Luedke and Westendorf, 2017). Even internal victims have been mistreated in the UNs internal justice processes. At the time of writing former UN policy advisor Martina Bostrom is still seeking to hold Luiz Loures, second in command at the Joint UN Programme on HIV/AIDS (UNAIDS) to account for sexual assault allegedly perpetrated in 2015 (Farge, 2021). The investigation found inconclusive evidence because, according to one legal contact:

it didn't seem possible [to the investigators] that he assaulted her the night before, because there was a meeting the next day, she attended, and no one noticed the change in her behaviour. Basically, the UN goes into these situations with none of that training [on investigating sexual offences]. And then they end up throwing out cases saying they aren't credible where they should be. Victims can't challenge anything in these administrative processes....in all of these cases

victims are simply witnesses and have no rights, no appeals, no ways to challenge what happens in that investigation process for internal administration (Lawyer of an international organization, 2020b).

There are two key issues of protection emanating from making a complaint. One is the threat of retaliation by the perpetrator and the other is the risk of stigma, alienation and socio-economic deprivation arising from communities. For the former, the fear of retaliation prevents people from making reports. The community and many staff were well aware that sexual exploitation and sexual abuse were rampant. International aid workers were allegedly colloquially referring to local people, especially local women, as ‘appetisers’ (Dodds, 2020). National staff and non-governmental organisations feared retribution from UN agencies for reporting abuse for fear they might lose their jobs or funding, which “is exacerbated by the fact that a large percentage of staff are on short-term contracts or consultancies” (Emergency Director’s Group, 2020, p.14). Many of those who have or who have tried to report UN misconduct have faced retaliation. There are numerous instances suggesting that victims and witnesses are at risk of their safety after reporting an allegation or participating in an investigation. To name a few, in Haiti there is a case of a boy victim being abducted [by Pakistani peacekeepers] to prevent him from detailing the abuse perpetrated against him during an investigation (Dodds, 2017). A Haitian woman reported that a Beninese peacekeeper got her pregnant, and he threatened to shoot her if she did not get an abortion (Zabludovsky, 2021). In another case a third of sexual harassment victims who reported to one UN agency did not pursue further action because of threats of retaliation from perpetrators or informal monetary settlements (IASC and CEB, 2019, p.3). Even internally within the UN system, including among peacekeepers themselves, there is evidence of a lack faith in reporting sexual harassment and sexual abuse, especially against female peacekeepers (Donnelly et al., 2022). These are just a few of many examples of continued violence by international interveners. The Secretary General released a bulletin on *Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations* to protect those who report misconduct or cooperate in a misconduct investigation (UN Secretary-General, 2017b) in recognition of the challenges of retaliation. But recent staff surveys alone suggest there is little confidence in protection from threats (Joint Inspection Unit, 2018).

For the latter, previous studies have emphasized the continuum of harms victims face following sexual violence and sexual exploitation. Beyond the initial harm and the reporting and investigation process, there are longer term harms impacting victims, including physical and mental health issues, facing stigma from their communities that may result in reduced physical and economic security. Community stigma can have long-term consequences for victims of sexual exploitation and sexual abuse, as with victim of sexual violence, including HIV/AIDS positive victims and survivors more widely, who may be socio-economically excluded from their communities (Harrington, 2007; Manjoo and McRaith, 2011). Victims may even face retaliation from their communities for making a report where there are fears

regarding the impacts of the report on relations with and resources provided by international interveners (Grover, 2018). For mothers of and children fathered by peacekeeping personnel, the stigma can continue for decades, and the additional economic stresses of a child where the father has abandoned parental responsibilities can result in stress on families and impoverishment of both mother and child (Westendorf, 2020). In addition to the time and financial needs of raising a child, stigma may result in exclusion from employment opportunities (Morris, 2010). In some cases, women were even abandoned and marginalised from their communities (Smith, 2017). While it is generally accepted that there is an underreporting of the problem, cases involving children appear to be more likely to be reported due to, especially, the socio-economic risks of not pursuing opportunities for paternity claims. However, whether or not the children resulted from consensual sexual relations or not, the paternity claimant must register their claim as a victim of sexual exploitation and sexual abuse (Simić and O'Brien, 2014).

There are innumerable hurdles in place for victims when they consider the implications for their safety, their lives within their communities, and their livelihood when reporting an allegation. In the absence of appropriate protection measures, it can be very big risk for them. The structural conditions encouraging transactional sex as a means of survival, the normative environment in which stigma towards victims could further hinder their physical security and social and economic capabilities, and the power relations between soldiers and civilians all contribute to this underreporting. Another problem relates to community relationships that may reduce trust or willingness of victims to report, which the next section will discuss.

5.5.2 Community Relationships

Community relationships are a key problem and area of intervention in promoting reporting. Establishing accessible complaints mechanisms still relies on the trust and cooperation of these communities; and community-based complaints mechanisms are quite essential to the ability to provide assistance and support to victims of sexual exploitation and sexual abuse (United Nations, 2020). Much of what the UN has done with affected communities in its prevention and response strategies on SEA centres around awareness raising. The nature and scope of such awareness raising includes campaigns in radio and theatre, SMS based campaigns to raise awareness about SEA is both a preventive measure and measure likely to result in further allegations, including historical allegations from incidents several years prior.

But, by 2010 the UN agencies visited in Nepal and DRC had “made extremely limited progress in the area of engagement with and support of local communities” (Reddick, 2010, p.49). Communities had generally not been consulted or asked for feedback for community-based complaints projects (IASC Task Force, 2012). Instead, community engagement was limited to disseminating information—speaking at communities rather than consulting and

working with them. The Inter-agency Standing Committee (2012) identified weak engagement with the host population and local organizations as the core practice to change. This evidence of engagement with host communities speaks to wider trends mentioned in the peacebuilding scholarship on the tendency of missions to bypass local actors in interventions in ways that actually hamper the ability of missions to meet their objectives (Autesserre, 2014; Jennings, 2016). Host communities are insufficiently consulted, and few efforts if any were made to build the trust between missions and the community using community-based complaints mechanisms (IASC Task Force, 2012, p.3). Community based organizations were rarely consulted or included in the design and operation of community-based complaints mechanisms, which is *surprising* considering the critical role they can play in supporting the sustainability of such mechanisms, and especially their ability to assist with referrals for victim support. More widely there was an absence of “meaningful and targeted consultation” with host communities (IASC Task Force, 2012, p.3). This consultation is quite important to encourage reporting. For example, a complaints mechanism that only deals with SEA is unlikely in most cases to have people being willing to be seen accessing it, especially as they may be at risk of retaliation from peacekeepers or aid workers, or even their communities due to stigma directed at SEA victims (IASC Task Force, 2012, p.18).

Yet, relationships with affected communities were identified as a core area of necessary action by the Inter-agency Standing Committee from 2012 when it established the Accountability to Affected Populations Task Force. This task force intends to improve transparency, feedback and complaints, and participation and design of humanitarian action, including through ensuring that the communities within which humanitarian actors work

have safe, accessible and confidential entry points through which they can raise complaints, and that the means by which they can lodge their complaints and receive a response are appropriate to the context and based upon their expressed preferences (IASC, 2012, para. 3.2).

Consultation with communities and their active participation in the design of community-based complaints mechanisms are essential. Prior to the new approach such consultations were minimal, and community engagement on SEA largely consisted of awareness raising campaigns to sensitise host communities to the challenge of SEA. This form of dictation without the participation is not only wholly ineffective but reinforces asymmetric power relations between mission personnel and host communities. This is not to suggest that host communities are not themselves complicit in sustaining oppressive power structures that stigmatise victims. Host communities are not a monolith, they are composed of complex individuals in social relations. But groups and individuals in affected communities are also capable of being key allies. Some of those working in the humanitarian sector suggest that referral pathways for reporting and assistance often exist and do not need to be created from scratch. And the problem is that humanitarian actors are often not aware of them (PSVI

Conference, 2022). This speaks to wider issues of relationships between international actors and communities and civil society organisations.

From 2017 the conception of community outreach expanded to include awareness and discussions on the zero-tolerance policy, information on how and where to report allegations, the process for holding perpetrators to account and accessing victim assistance, addressing stigmatization and risk factors for SEA in the community, and “capacity development and engagement of community leaders” (UN Secretary-General, 2017b, p.81). A 2019 best practice report on sexual exploitation and abuse from the Inter-Agency Standing Committee note that a key issue is addressing a “lack of trust in reporting systems and fear of speaking up and/or retaliation”(IASC, 2019, p.4). After the DRC Ebola SEA scandal hit headlines, the Field Victims’ Rights Advocate went to the area linked to the Ebola “to encourage victims to come forward. Yet, despite the reports and corroboration of local community members that such misconducts had taken place, no one had come forward to report or engage with the FVRA” (Office of the Victims’ Rights Advocate, 2020, p.4). The individual meant to represent victims’ rights was not trusted, which raises concerns of a total lack of trust in the entire administration of reporting an allegation in this case. In DRC and elsewhere, it is widely understood that there is a gross under-reporting of allegations (Kent, 2007; Ndulo, 2009; UN Secretary-General, 2019b, para. 71).

According to the 2018 review of the humanitarian system, modes of engagement with affected populations have been limited by how participation has been viewed as a means of information collection rather than collaboration, sharing or handing over power (ALNAP, 2018, p.156). This view of participation has been met with poor progress on accountability and few options “for redressing grievances or imposing sanctions” (ALNAP, 2018, p.157) and “a lack of joined-up activity on the ground” to address SEA (p.157). The 2022 Humanitarian Accountability Report also identified that the problem of preventing and responding SEA rested in part on “a lack of participatory communication between organisations and crisis-affected people on expected staff behaviour” (CHS Alliance, 2022, p.9). By 2021 community engagement for CBCMs was under-resourced and more generally there were weak localization commitments (Reddick, 2021, pp.65, 72). The presence of policies has not translated to implementation or sustained attention at the inter-agency level to SEA (ALNAP, 2018, p.166).

Closer collaboration with communities and local organisations could offer better opportunities for supporting claimants. One of the problems with the new approach is that prevention protocol seems to seek to establish in some mission areas “enforceable boundaries between military compounds and local populations” (UN Secretary-General, 2017a, para. 59.b.ii). As Jennings has written about, this boundary setting between local and international tends to mean that local populations are bypassed (Jennings, 2016). Extensive shortcomings in participation of host communities in the design of community-based complaints mechanisms reflects an injustice of disparity of participation, or

misrepresentation. Host communities are essential to community-based complaints mechanisms, especially as individuals from these communities serve as volunteers to keep them up and running. Participation is a key component of accountability processes in a peace operations context. community-based complaints mechanisms are an entry point for accountability and justice processes. Participation can also help build trust in these processes, but this relies heavily on adequate resourcing, which has been a key injustice in the practice of accountability, which the next section will discuss.

5.6 Under-resourcing complaints and assistance mechanisms

Resourcing complaints and assistance mechanisms is a protection issue. It is also critical for ensuring that victims can receive emergency, protection, and other assistance, including legal representation should they choose to participate in formal accountability procedures. But the attention, human, material, and financial resources allocated to encouraging community members to report misconduct offers a strong indication as to the level of priority granted to protecting victim and redressing injustices at the hands of UN personnel. These mechanisms have been deemed “essential for breaking the silence surrounding SEA” (ECHA/ECPS PSEA Task Force, 2009, p.1). Complaints reception mechanisms have been under-resourced in human, material, and financial terms, which has had an impact on mapping and referring victims for emergency and other assistance. The assistance mechanism itself has never received a dedicated budget, despite requests for it to be part of the regular peacekeeping budget (Awori et al., 2013, para. 7). There have been some improvements since 2017 in identifying alternative funding mechanisms, but much more will be needed. Particularly in the case of victim assistance, there are a swathe of issues with the funding offered through the Trust Fund and the multiple ambitions objectives of this under-resourced trust fund.

On the humanitarian side this includes the establishment of the PSEA Community Outreach and Communication Fund in 2020 to support community-level and community-led action to prevent and respond to allegations of SEA (IASC, 2020b). In its first year it granted 19 NGOs resources to support community-led projects, including to support awareness of where and how to report SEA (UN Secretary-General, 2021b, para. 58). The victim assistance mechanism has seen other strides. The Victims’ Trust Fund, established in 2016, is the other avenue for funding resources for projects, services, and assistance for victims. This Fund is one of the centrepieces of the victim-centred approach. It is funded by contributions from 23 Member States² and withheld pay from UN personnel implicated in substantiated allegations, funding recommendations that were made more than a decade earlier in the Zeid Report (UN General Assembly, 2005a). The Secretary-General emphasises

² Albania, Australia, Bangladesh, Bhutan, Canada, Cyprus, Ecuador, Finland, Pakistan, Slovakia, Switzerland, United Kingdom, Germany, India, Italy, Japan, Luxembourg, Nigeria, Norway, Portugal, Sri Lanka, Uganda, United Kingdom, United States of America.

that withheld money from perpetrators “will amount to a limited, but symbolic, source of funding” (UN Secretary-General, 2016a, para. 76). Current contributions to the fund stand at \$3.8 million (as of May 2021) (United Nations, 2021b), and this money can be used for a wide array of activities to support victims, but it cannot be used as a form of direct payments to victims nor of compensation. It is used to fill resource gaps in implementation of victim assistance mechanisms and to run community projects. Victims and the Victims’ Rights Advocates do not have access to the fund, instead its funds are allocated by the Department for Management Strategy, Policy and Compliance at UN Headquarters.

The Trust Fund is not only available to victims of SEA perpetrated by UN peacekeepers and related personnel in peace operations, but to victims of SEA perpetrated by UN personnel across the *entire* UN system, which includes UN staff (United Nations, 2019, p.2). Now this \$3.8 million will not go very far considering the scope of victims of the entire UN system, let alone for the alleged victims in allegations recorded across 33 peace operations since 2007. But the Trust Fund does not state that it is the sole funding pot for all of these objectives, nor does it provide direct financial assistance to victims, but is instead a mechanism for providing ‘seed funds to address gaps or provide additional support to victims’ and to create ‘projects in partnership with humanitarian and development actors’ (United Nations, 2020, p.31). Further, the fund is also used for specific projects to support victims, which are really directed more widely at specific communities and are framed as empowerment projects. Organisations can apply for financing to specific projects which should aim to support victims, and projects have been established in missions in the Central African Republic and Democratic Republic of Congo, and in two missions that have recently closed in Liberia and Haiti (United Nations, 2019d).

These projects are set up in consultation with host communities, indicating some intention for locally-led solutions, but they are available to entire communities, indicating they are perhaps not directed at supporting victims, survivors, and paternity claimants. By 2021, the Trust Fund projects claimed to have 4,860 beneficiaries, who have ‘obtained new skills’, received business starter kits, been ‘awarded scholarships’, ‘received medical/psychosocial support’ and ‘gained critical awareness’ (United Nations, 2021g). Notably, nowhere in either of the two Trust Fund Reports (covering the periods 2017-2018, and 2019) is there any explanation of what ‘gained critical awareness’ actually means, but the projects funded include an adult literacy programme, legal support and assistance, a community theatre, community-based complaints mechanisms and general victim assistance and support. Some of these projects appear as general development projects, such as adult literacy and a community theatre project, rather than services and support directed at victims of UN personnel. In response to a question regarding the difference between some of the projects of the Trust Fund and general development projects, a participant offering a member state perspective answered that “[the Trust Fund] seems like it was less directed at the victims than I had assumed before-hand. I think the information we have received is too superfluous

to be able to answer that question” (Member state perspective, 2021). In this case of this member state perspective, there is a lack of clarity on how the Trust Fund advances a victim-centred approach.

It is worth considering here, however, just how many victims there are and how sufficient the \$3.8 million is to provide assistance. According to the UN’s database of allegations, up to 1115 identified victims between 2007 and 2021, who may or may not have their complaints substantiated, suggests that the \$3.8mn allocated to the Trust Fund technically accounts for nearly \$3.5 thousand for projects and support per victim. Considering the legal costs alone, this figure seems rather small. However, there are inevitably more victims whose cases were not reported who do not count in the database but who are likely to need support, assistance, or even want to seek justice. The Trust Fund is supposed to respond to past victims who may need longer term support, victims in the process of reporting and investigations, and future victims. Additionally, it is meant to set up community reporting mechanisms and drive community projects. Further, now that SEA is an issue considered system-wide, meaning it applies not only in peacekeeping operations but anywhere that UN personnel operate and interact with host populations to whom they have a duty or mandate to serve and protect (UN Secretary-General, 2017a; UN Secretary-General, 2018c; UN Secretary-General, 2019b). The scope of possible past, present, and future victims has expanded drastically, and vaguely. It is clearly obvious that this \$3.8mn will not go very far to achieve all of the aims and scope dumped on the Trust Fund. Further, the 2021 PSEA review found general confusion regarding “the function of the Trust Fund” among personnel interviewed (Reddick, 2021, p.26).

The Trust Fund seems to constitute a grab all funding pot to fill resourcing needs for basic accountability and human rights protections. One of the issues with the Trust Fund projects is that it is following positive lines of thinking on empowerment of women but in the absence of incorporating concerns with redress or alternative forms of justice for victims, it is limited. The framing of the Trust Fund as empowering is problematic considering its uses. As Anne-Marie Goetz has argued, discussions on empowerment often exclude accountability as redress (Goetz, 2007, p.31). The evaluative and investigative reports across the swathe of SEA policy action have reiterated the challenges to victims in reporting, the swathe of fumbled investigations that cause their cases to be dropped through no fault of their own, and the culture of impunity that so often leaves victims merely as passive ‘beneficiaries of assistance’ (Henry, 2013). This ‘symbolic’ source of funding does not appear to even scratch the surface of the needs the many victims may have, including justice needs.

Resourcing for programming for gender-based violence is a perennial problem among the humanitarian sector, making up less than one-percent of all humanitarian assistance in 2019 (Jackson, 2019). The maldistribution of human, financial and material resources to support victims of sexual exploitation, sexual abuse, and sexual violence, including those who want to participate in formal accountability procedures is a critical injustice.

5.7 Conclusion

There are multiple injustices at play here that are demonstrative of power relations between the local (affected communities) and the international (the UN), the first of which is a misrecognition or neglect of the centrality of complaints mechanisms in the resourcing and focus of the new ‘victim-centred approach’. A victim-centred approach should at the very least be attentive to the process and point at which a victim can be recognised and begin the process of pursuing accountability and justice should they so choose to. The UN’s integrity-based approach to accountability in field missions for mechanisms that victims need to access has given insufficient attention to structures of gendered power that affect the accessibility, appropriateness and success of formal procedural approaches that seek to hold perpetrators to account, receive assistance, or pursue fathers for paternity claims. While there have been some marginal improvements since 2017, the overall conditions and status of these mechanisms paints a different picture from the data presented in Chapter four, insofar as the database of allegations represents a snapshot of victims who, despite the innumerable boundaries detailed here, have been able to access complaints mechanisms and initiate participation in investigation. There are inevitably many more victims who are not counted who have not been able to or who have chosen not to report their allegation.

There are two critical areas of these mechanisms, the first is the resource deficit for complaints reception and victim assistance and support mechanisms and the PSEA networks needed to keep them functioning sustainably, and the other is poor relations with affected communities. While some improvements have been made, the human, material and financial resources needed to provide these two basic accountability and protection mechanisms are inadequate and suggest a de-prioritisation of supporting accountability for victims, and a marginalising of victims from the political space within which accountability relationships are constituted.

Chapter 6 Accountability Outcomes: The Politics of Counting

6.1 Introduction

This chapter is concerned with the constitution of accountability relationships with victims in the new approach, particularly in terms of concerns with outcomes for victims. Part of these challenges like in the formal procedural approach to accountability that has dominated the scene, and the challenges with respect to immunities of personnel the lack of a relevant legal framework for prosecuting criminal cases. To determine observable accountability outcomes for victims, survivors and paternity claimants, this chapter includes analysis of the UN's database of allegations. I identify the lack of transparency in outcomes of formal procedural accountability arrangements, particularly in the ways that outcomes for victims are excluded accountability considerations. I consider the political developments to improve member state action on allegations, identifying numerous challenges to addressing impunity and some positive improvements, particularly through Security Council Resolution 2272. I further argue following analysis of the database of allegations, pending investigations and actions in substantiated cases suggest an ongoing climate of impunity of perpetrators and limited political will on the part of multiple key troop and police contributing countries as well as the UN itself in terms of how it deals with allegations against civilian personnel. I then consider the role of the Office of the Victims' Rights Advocate as an alternative forum for centralising accountability for victims. While there is promise in this role, it suffers from the same under resourcing identified in the previous chapter. Further, the claims to speak for victims are embedded in asymmetric power relations that could lead to co-opting victims' voices to pursue instrumentalised accountability responses.

This chapter proceeds as follows. It first considers the concept of accountability outcomes and then details political progress since 2017. It then reviews outcomes recorded in the database of allegations on progress in procedural accountability of perpetrators. It identifies critical failures in communicating with victims and neglect to consider alternative options for compensation. Together these constitute a marginalisation of victims from accountability outcomes, constituting them as negligible participants in accountability relationships.

6.2 Accountability Outcomes

For accountability for sexual exploitation and sexual abuse, there are multiple transnational encounters that characterise the complexities of promoting and pursuing

accountability that constitute an abnormal justice space. One way to view accountability outcomes is through a procedural focus, which might mean that victims are able to raise a complaint and perpetrators are held to account. Accountability of perpetrators is complicated by the lack of an overarching legal framework for holding individuals accountable under the law (Quénivet, 2007; Deen-Racsmány, 2015). For cases that are not classified as criminal matters in the home state of the perpetrators, there is little clarity in terms of how victims and survivors are able to make justice claims. Further, the lack of an accountability instrument for processing paternity claims (Blau, 2016) complicates the ability of individual mothers to pursue their claims via the legal system of the home state of the alleged father. But there are also victims not involved in criminal processes, either through choice, poor access to procedures, or because their cases do not constitute criminal acts. These categories of victims and survivors are often excluded from consideration. Devika Hovell (2016) is critical of procedural focuses on the deficiencies of due process in the UN system. She argues for a focus on the structural issues of international law and the normative case for due process safeguards. For her, the assumption that due process is inherently good and that judicial remedies are the primary goal of due process reforms is problematic. What is important is why accountability is necessary, its normative foundations. While immunities are important for the independence of the UN, Hovell argues that “the organization needs to look beyond legal boundaries when determining the appropriate scope of its accountability” (Hovell, 2016, p.37). For her, the approach of the UN to accountability through due process has relied on an instrumentalist model that values the accuracy of the law, prioritises lawmakers as the community of interests, and does not reflect any specific values.

Another way to view accountability outcomes is as an indication of the constitution of the moral relationship between power wielders and those they are meant to answer to. The notion of answerability refers to accountability as relation of power between two accountability subjects: the power wielder and the accountee (Madianou et al., 2016). For Shearer (2002), the account giver constitutes moral agents through the process of giving account. For this chapter is ultimately a matter of representation, which acknowledges both the agency of victims and the political dimension of accountability, which establishes a social relation among accountability subjects (Fraser, 2010). As a reminder, the politics of recognition and injustices of maldistribution, or under resourcing identified in the previous chapter, converge to produce the injustice of misrepresentation. This chapter is more concerned with the form of the answer that is articulated in political agreements on criminal accountability and the UN’s database of allegations as an indication of the constitution of an accountability relationship with victims in the new approach. The next section provides an overview of action with respect to the former.

6.3 Political Progress

This section discusses political progress with respect to member states in three areas: the advances made through adoptions of Security Council resolution 2272, adjustments to agreements made with non-UN forces in peacekeeping missions, and normative progress towards a criminal convention. Together these political areas of action suggest some minor shifts in how troops and police-contributing countries view their accountability responsibilities. While some member states have demonstrably signalled their increased political will, progress overall is quite slow, which has negative implications for outcomes for victims, survivors, and paternity claimants.

6.3.1 Naming and Shaming progress

Security Council Resolution 2272 (2016) grants the Secretary-General the authority to repatriate entire contingents where there is widespread SEA. The resolution has been criticised for lacking clarity in terms of what constitutes ‘widespread and systematic’ threshold criteria for repatriation, and for not stressing “the importance of referral to criminal justice mechanisms for accountability” (United Nations Association-UK, 2018, para. 35). But in 2021 the UN’s Office for Internal Oversight suggested that Resolution 2272 is showing promising in getting member states action allegations, especially through the development of its technical guidelines and a dedicated database for implementation (OIOS, 2021, p.49). According to OIOS, within two years of its adoption, 2272 did manage to significantly increase member states’ response to the Secretariat on the status of SEA allegations. Indeed, communications with the Secretariat were described as ‘intense’ by member states (OIOS, 2021, para. 118).

Since 2015 the UN has been more transparent and has taken some steps to hold mission leadership accountable as ‘symbolic steps to counter impunity’ (Williams and Bellamy, 2021, p.358). For instance, the firing of Babacar Gaye in the Central African Republic constitutes the first time a head of mission was fired over widespread allegations of sexual exploitation and sexual abuse. Whalan (2017) argues that Resolution 2272

targets the part of the accountability chain that the Secretariat cannot: the obligations of UN member states to investigate and report on SEA allegations, to hold perpetrators accountable, and to inform the Secretary-General of the progress of investigations and actions taken. It also prioritized the needs of survivors in UN responses and emphasized the need for expanded vetting of personnel for past sexual abuse and for broader human rights screening (p.1).

But 2272 has only been used once. In 2021 the Secretary General repatriated an entire Gabonese contingent from the Central African Republic for the abuse of five girls (United Nations, 2021h). But repatriations had occurred prior to the adoption of the resolution. In 2007 111 military personnel from one member state were repatriated, and criminal proceedings were initiated by the member state (UN Secretary-General, 2008c, para. 9.a). Yet, the threat of the use of the resolution has had some positive effects. The Standing

Review Committee who oversees implementation of the resolution recommended repatriation a contingent of 400 troops in DRC where there was evidence of ‘widespread and systematic SEA’ in 2018 (OIOS, 2021, para. 121). The resolution was not used due to “political and operational factors including consideration of the corrective action taken by the TCC” (OIOS, 2021, para. 121). While not named in the OIOS report, South Africa is the implicated TCC, as indicated by South African news agencies who were able to obtain an internal South African National Defence Force (SANDF) document from 2019 stating that the UN considered permanently removing South Africa from peacekeeping due to high incidence of allegations in the DRC (Bryce-Pease, 2018; Saba and Jika, 2019).

At the end of 2021, South Africa was the 21st largest contributor of troops to UN peacekeeping, with more than 900 personnel in the DRC (United Nations, 2021f). Between 2015 and 2021 South Africa has the second highest number of allegations (39 allegations), after Cameroon (46 allegations), but it ranks highest for allegations of sexual exploitation (32 allegations) and highest in allegations in the mission in DRC (39 allegations involving 45 personnel) (United Nations, 2022d). Twenty-two of their allegations have been substantiated and South Africa has taken action against sixteen perpetrators, but three have had their case dismissed, one has not faced action, and another is still pending action. The most frequent penalty was dismissal (8 individuals), followed by financial sanctions (5 individuals). It has jailed one perpetrator for sexual exploitation. A further five allegations between 2018 and 2021 are still pending the results of an investigation and action by the country (United Nations, 2022d)

South Africa is a member of the Circle of Leadership and received seventy per cent fewer allegations in 2019 and 2020 (OIOS, 2021, para. 121; United Nations, 2022d) and have been levered as somewhat of a role model in best practice cases for holding perpetrators to account since at least 2015. For example, South Africa repatriated fifty troops from MONUSCO in 2015 for violating their curfew, which was seen as good practice in prevention of SEA (UN Secretary-General, 2017a, p.28). They also began work in 2016 to conduct in situ court-martial proceedings in the Democratic Republic of the Congo (conducting on site court martials for three allegations in 2016) as means of visibly demonstrating procedural accountability to victims/survivors and host communities to create a judicial process “close to the location of victims” (United Nations, 2016, p.3; UN Secretary-General, 2017a, p.28; United Nations, 2021e). In situ court martials were a key recommendation from the Zeid report in 2005 and in 2006 two major troop contributing countries (unnamed) had conducted courts martials one mission (Al-Hussein, 2006). Uganda used in situ courts martials in Somalia in 2013, but withdrew the courts in 2014 (Human Rights Watch, 2014, p.4).

The idea of ‘rapid accountability’ emerges in relation to on-site court martials (UN Secretary-General, 2016a, para. 20), as does reinforcing “accountability through greater transparency” (UN Secretary-General, 2016a, para. 36). In 2021 the UN released a series of best practices videos for member states in addressing SEA, one of which included a video on South Africa’s

practice of courts martials held in DRC and in some cases South Africa (United Nations, 2021b). The UN describes this approach as a means of ensuring ‘accountability and transparency through military justice’ (United Nations, 2021b). This transparency tool of the video seeks to build credibility regarding progress in accountability of peacekeeping personnel. South Africa has begun to revive this practice that barely began a decade earlier, and they have been used by at least one other member state in Haiti. In 2012 two peacekeepers from Pakistan alleged to have raped a 14-year-old boy were sentenced within Haitian borders through Pakistan’s military judicial process (Delva, 2012). The Haitian authorities, however, were 14-year-old of the military tribunal in advance, the result was merely communicated to them (Delva, 2012), suggesting that the outcome for the victim did not matter.

Further there is a defence bill from 2017 to be put before the South African parliament to clarify SEA as “a specific offence with commensurate sentencing”, and other member states are considering a similar approach (UN Secretary-General, 2017a, p.31). South Africa has also put in place a national legal framework to hold perpetrators accountable for cross-border crimes, where they constitute crimes in South African Law (UN General Assembly, 2020b, para. 97). This one case suggests that threat of use of 2272 on its own may encourage Troop and Police Contributing countries to improve their action with respect to addressing SEA, yet in the case of South Africa they seem to have continued developing approaches taken years prior. There are some obvious issues here if a TCC touted as having best practice is no longer a TCC, particularly as there seem to be few other positive examples of holding perpetrators to account to draw on. Further, South Africa is by no means the country with the largest number of SEA allegations nor anywhere near the largest in terms of implicated alleged perpetrators.

There are other promising practices catalogued from member states, including five years imprisonment and a court martial for one military personnel from Egypt for sexual assault of an adult in the Central African Republic in 2016 (United Nations, 2016, p.3). In 2016 the DRC arrested 20 of its troops in CAR, repatriated them and tried them (UN Secretary-General, 2016b, para. 20). Another case implicating one military personnel from Bangladesh in sexual abuse of a minor in 2016 resulted in dismissal from service and one year in prison (United Nations, 2016, p.2). Bangladesh has also incorporated the outcome of this case into its pre-deployment training to raise awareness about the penalties for SEA (United Nations, 2016, p.2), which is positive, particularly considering the general lack of transparency regarding the details of penalties taken against perpetrators. These two sets of initiatives are a continuation of sorts of previous political efforts with member states, including the 2006 Statement of Commitment. Since 2017, sixty member states have updated their legal frameworks for preventing and responding to sexual exploitation and sexual abuse by their personnel, including from non-UN forces, and fifty-eight countries have yet to send updates (United Nations, 2022e). These updates are positive for improving the legal basis for

prevention and response, but there are ongoing issues in the commitments of non-UN forces.

6.3.2 Non-UN forces

Regional organizations, especially the African Union (AU) and the European Union (EU), also conduct peace operations. While their mandates are authorised by the UN Security Council, these regional organisations or other non-UN entities do not fall under the command of the UN. National forces might also be deployed alongside a UN peacekeeping mission, for example French troops were authorised to deploy with UN forces in Mali (UN Security Council, 2013) and the Central African Republic (UN Security Council, 2014). Regional organisations have also been deployed, such as the Economic Community of West African States in Liberia and Sierra Leone, the North Atlantic Treaty Organisation in Kosovo, and the African Union in Somalia. Non-UN forces are not subject to the same rules and regulations as forces under UN command.

From 2013 a Due Diligence policy was established to incorporate provisions for compliance with international humanitarian, human rights and refugee law that applied to non-UN forces (UN Secretary-General, 2013), but it did not include specific provisions on SEA. This policy reflects instances of such forces engaging in abuses of human rights and violations of international humanitarian law, a policy which Labbé and Boutellis (2013) suggest primarily seeks “to shield the UN from any legal responsibility incurred by the behaviour of the security forces that it supports” (p.555). Following 2015 measures were taken to ensure that non-UN forces are subject to the zero-tolerance policy (UN General Assembly, 2016b), to cooperate in investigations, including through adapting mission mandate renewals to incorporate expectations to take action to prevent and respond to SEA (UN Secretary-General, 2018c, para. 50). Additional integrity system measures were put in place to receive and report on allegations by non-UN forces, and the Office of the High Commissioner for Human Rights (OHCHR) have been receiving allegations for non-UN forces since 2018 (UN Secretary-General, 2019b). These measures put in place following the Sangaris scandal in 2015 have yet to lead to any clear outcomes, as will be discussed below.

6.3.3 Progress towards a convention

There is slow progress with respect to getting member states to agree and clarify a legal framework for holding UN peacekeeping personnel to account for criminal conduct. By 2021 the General Assembly remains divided on the question of a convention, as some member state consider it ‘premature’ as member states “should focus on updating their relevant criminal laws and procedures” first (UN General Assembly, 2020c, para. 23). The latest resolution broadly requests that member states adapt national laws, improve their capacity to conduct investigations and protect complainants in this process, respond to referrals for criminal accountability and update the UN on the status and outcomes of

investigations (UN General Assembly, 2021). However, following Zeid recommendations, two major TCCs had held in mission courts martials by 2006 (United Nations, 2006), but later efforts to expand the use of on-site court martials have only recently been taken up by South Africa from 2016 (UN Secretary-General, 2016a, para. 19). Securing the political will of member states to hold perpetrators to account for criminal cases of sexual exploitation and sexual abuse is an enduring problem, including following the adoption of the new approach in 2017. But, in order to get perpetrators to courts for prosecution for criminal cases or to disciplinary panels, integrity systems were put in place in field missions to receive complaints and initiate responses.

The state of political progress on holding perpetrators to account vis-à-vis member states has largely led to few recorded outcomes for claimants who are willing and able to pursue formal accountability routes. The next section provides an analysis of outcomes recorded in the UN's database of allegations on SEA.

6.4 Outcomes recorded in the database of allegations

The data as presented on the UN's database of allegations builds a picture that conceals the breadth of pending investigations and paternity claims and the numbers and ages of victims 'counted' amidst this data. Investigations have been recorded as either substantiated or unsubstantiated, giving the impression of a large number of false allegations. Additionally, due to the problems surrounding investigations identified above and in the UN's own internal reports and external independent reviews (Deschamps et al., 2015; OIOS, 2015), many allegations are not reported or recorded and some of those recorded on the database as unsubstantiated " may therefore be the result of inconclusive investigations rather than false allegations" (Grady, 2016, pg.947). Kate Grady argues that the lack of information regarding the reasons for unsubstantiated allegations in the database leaves a gap in the understanding of sexual exploitation and sexual abuse and its responses (Grady, 2016, p.947). Describing the database as a tool of global governance where the UN can effectively manage ambiguities, Grady (2016) suggests there is a "misplaced confidence in the UN's data" (pg.950).

There may, for instance, be similarities in the kinds of cases where allegations are unsubstantiated due to certain forms or types of victims, approaches to investigations, the risks associated with victims, witnesses, and whistleblowers and so on. It is also hard to understand the effectiveness of the procedures in place to substantiate an allegation. A 2013 independent review report on action to address sexual exploitation and sexual abuse in the four missions with the largest numbers of allegations (Democratic Republic of Congo, Haiti, Liberia, and South Sudan) argued a third category should be included, 'evidence not found' to reflect challenges substantiating allegations (Awori et al., 2013, para. 12). Without these details there is a false sense of accountability of perpetrators provided in the database of allegations. Investigations are notoriously under-resourced and entail layers of other

challenges that affect efforts to substantiate (prove) allegations (Jennings, 2014). It is difficult to establish the age of a victim in a post-conflict environment where identity documents are frequently destroyed, counterfeit documents flood the market, or, especially in more rural areas, where they may have never been produced to begin with (Defeis, 2008). Investigations do not have appropriate resources nor support of senior management. and many are unsubstantiated solely based on inconclusive investigations rather than evidence that the abuse did not take place (Csáky, 2008; Jennings, 2014; Grady, 2016).

However, from 2021 the third category ‘evidence not found’ was included in the public database, but it is concealed. This information is not available in the pre-analysed charts on the website, only through searching line by line through the full database of allegations. As Verdirame (2011) has argued, the reports of the Secretary-General, which are designed to improve the transparency of peacekeeping activities, sometimes “fail to present a complete and accurate picture of the situation” (p.326). In both the reports and the database of allegations, failings with respect to the quality of investigations and other reasons that allegations are unsubstantiated are omitted, lending the impression that there are not many valid allegations made against UN personnel. This transparency tactic functions to reinforce ideas regarding the host population and ‘alleged victims’ as having malicious intent to damage the reputation of UN personnel, which was a problem identified in Chapter 4 that was at the centre of the integrity failures in the early stages of the implementation of the integrity system on SEA.

There are a number of additional issues regarding how the data is collected. Without scrolling line by line through the database, it is difficult to establish the precise number of perpetrators and victims associated with one allegation. Until at least 2016, the database recorded the number of communications around SEA rather than the actual number of allegations, victims, or perpetrators. As identified by Kate Grady, because "one allegation may represent more than one victim and/or more than one perpetrator, the data under-reports the scale of the phenomenon" (Grady, 2016, pg.936). One allegation may involve dozens or even hundreds of perpetrators and victims (cf. Dodds, 2017). Thus, available data on victims does not provide a clear picture on the details of prosecution, status of paternity claims nor incidence of reparations.

A significant change was made to how data was recorded in allegations involving child victims. Whereas in the past there had been inconsistencies where child victims were typically referred to as minors or under the age of 18, from 2017 the terminology was clarified to be consistent with the Convention on the Rights of the Child that victims under 18 should be classified as children (UN Secretary-General, 2017a, p.39). Indeed, prior to 2017 the term child victims was only used eight times, once in 2010, and seven times in 2016.

The UN’s database on allegations of SEA in peacekeeping records allegations made since 2007 in some form, but the data collection and recording methods have changed over time.

Allegations may involve more than one victim and more than one perpetrator, and the UN's approach to collecting this data has changed numerous times (Grady, 2016). The database states that a total of 287 allegations implicating 263 uniformed personnel and 60 UN civilian staff have been substantiated since 2010 (United Nations, 2021c). However, no data is available on the number of victims involved in these substantiated cases, nor is any data available which separates victims of sexual exploitation from sexual abuse. Instead, it records the number of identified victims across all allegations, reporting 796 allegations involving 1115 identified victims between 2010 and 2021, categorised as child, adult and unknown. Indeed, the data on victims "reflects the number of complainants and victims in cases where an exact number of complainants and victims is known at the time when an allegation is reported" (United Nations, 2021d).

The UN's analysis on paternity claims made by individuals does not quite give an indication as to the number of adults or children making claims. The database of allegations itself does, however, include a list of cases that when unpacked reveal actual numbers and ages (either child or adult) of alleged victims. This data is not separated in the UN's analysis by age of the mother at the time of the paternity claim. So, where one pending case from 2016, for example, involves 17 alleged perpetrators from Gabon involving 46 children, the paternity claim is recorded but with no detail as to the numbers of claims made.

In 2014 the UN developed protocol for collecting DNA samples in the field (UN Secretary-General, 2015, para. 70), but the effects or success of this protocol are not yet clear. From 2010-2021 there have been 332 paternity claims recorded in the UN's database on SEA, of which 35 cases have been substantiated (United Nations, 2021c). The database does not clarify, however, if any child support or other measures resulted from confirmation of paternity.

This database intends to serve as a form of transparency to the global public on actions taken to address SEA. However, it would appear that victims quite simply do not count in building a picture of substantiated allegations, in understanding the number of victims impacted by sexual exploitation and sexual abuse respectively, nor the range of abuses within each of these categories (e.g., survival sex, rape) nor do they count in reporting any actions that to victims in substantiated cases. Further, due to differences in data collection over the years, in 2015 the Secretary General admitted that due to the many changes and complications in categorising allegations they do not know how many individuals are involved, both as perpetrators and victims, in allegations of SEA (UN Secretary-General, 2015). Notably there have been diluted evaluations of the progress on the new approach since 2017. The kind of depth and detail circling around previous scandals is not replicated in 'non-scandalous' times.

The next section will first consider progress with respect to formal procedural accountability for uniformed components and civilians in substantiated cases in UN peace operations

6.5 Progress in procedural accountability of peacekeeping personnel

The purpose of the focus on substantiated cases is understand what, in the best-case scenarios, constitute the substance of formal procedural accountability. It will identify the numerous shortcomings in the substance of formal approaches and will then theorise the role of informal accountability arrangements in substantive accountability for victims, survivors and children born of peacekeepers.

Procedural accountability of peacekeeping personnel means that certain processes have been followed to hold individual perpetrators accountable through either criminal, disciplinary and/or other punitive action following the substantiation of allegations through an investigation. Uniformed components include military and police personnel under UN-command and military personnel not under UN command. Civilians include international agency personnel, national staff, contractors, and volunteers working with the peace operation. For troops and police who are under UN command and troops not under UN command the member state who sent the uniformed personnel has primary jurisdiction; member states can take a range of criminal, disciplinary and administrative procedures against perpetrators.

The UN has kept some form of data on allegations since 2007. From 2016 the Secretary-General began to regularly include allegations against non-UN forces in the annual report on SEA and include the allegations in a separate database. However, the available data on allegations against non-UN forces does not include allegations made against French Sangaris forces in the Central African Republic from 2013 and 2014. There are numerous cases in recent years implicating UN agency staff working in and outside peacekeeping operations in sexual exploitation and sexual abuse, including at senior leadership levels (Dodds, 2017; Ratcliffe, 2018; O'Neill, 2018; Summers, 2018; Flummerfelt and Peyton, 2020). This analysis does not include humanitarian or Secretariat personnel and because of the way in which the data is collected does not include information regarding which country or mission the allegation was made in and it only includes data from 2017 onwards. Thus, the data on civilian components only includes information on civilian peacekeepers as an indication of the treatment of civilian UN personnel in procedural accountability.

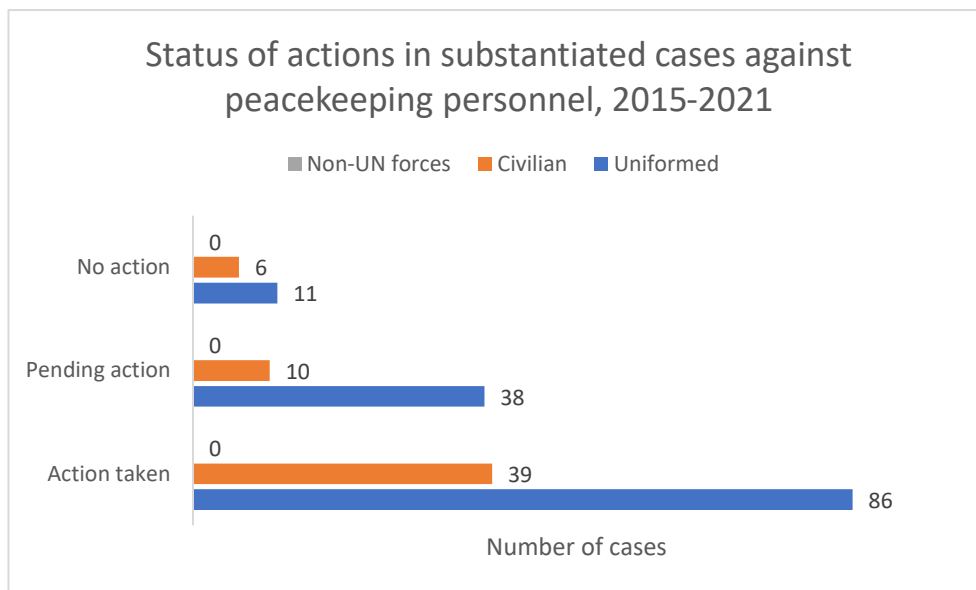
But the details of outcomes on cases, especially those that include data on the number of victims and paternity cases, are only available for the 2015-2021 time period (see: United Nations, 2022d). Thus, the quantitative data analysed in this section only covers action to hold perpetrators to account in substantiated cases (n=190) over a seven-year period. Of these substantiated cases (n=185), roughly 66 per cent (n=125) have resulted in some substantive action against individual perpetrators by member states and/or the UN, 25 per cent are pending action, and 9 per cent have not resulted in any reported actions. There have not been any recorded substantiated allegations involving non-UN forces (See Figure 5).

Political commitments have seen a number of updates and signs of greater compliance of member states in formal accountability procedures to hold perpetrators to account. However, there are still a number of issues remaining regarding a lack of action on substantiated cases, pending investigations and progress on criminal accountability, which the next section will discuss.

6.5.1 Status of actions taken

There were a total of 585 allegations recorded involving civilian agency personnel between 2015 and 2021 across the UN system, of which 71 allegations have been substantiated and actions have been taken against perpetrators (United Nations, 2022c). There is no indication of any referrals to member states for criminal accountability and there are quite a few cases in which the investigation was not completed because the subject resigned (n=44).

Figure 5 Status of actions taken by Member States or the UN in substantiated cases involving uniformed and civilian UN personnel, 2015-2021

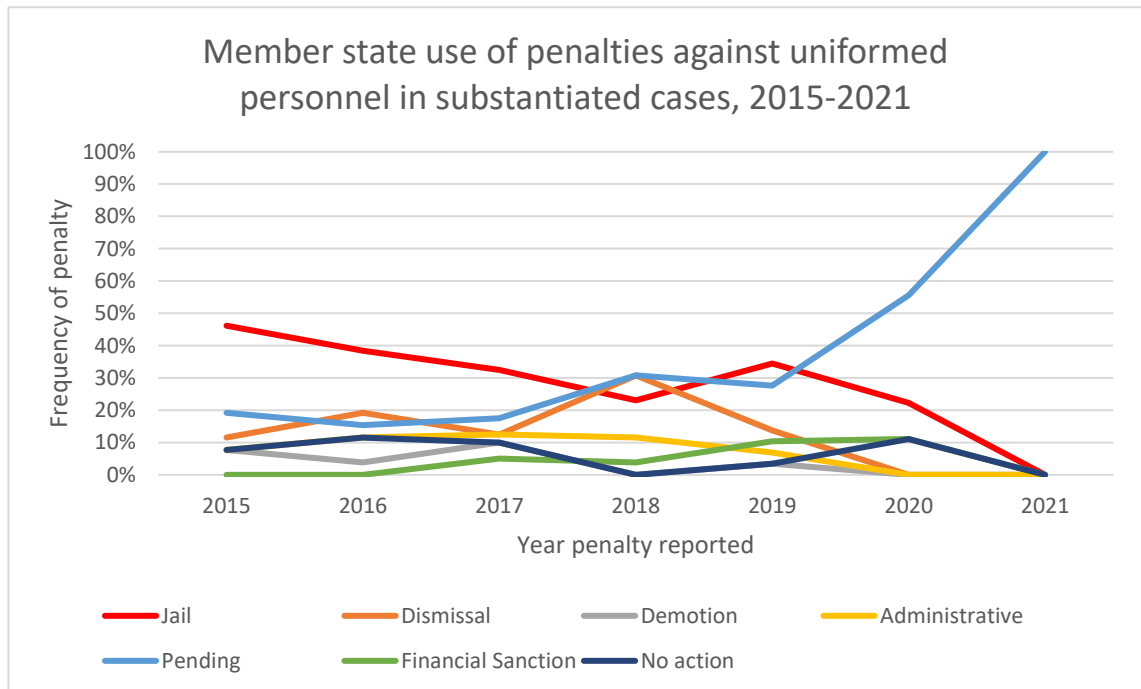


Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

The UN's administrative procedures for uniformed personnel under UN command include withholding UN payments to the perpetrator, a disciplinary procedure or repatriation to their country of nationality (OIOS, 2021, p.5). Repatriation was used in nearly every substantiated case involving uniformed personnel between 2015 and 2021, occurring in 127 of the 135 substantiated cases, but there are cases of withheld pay (n=79), which since 2017 is generally directed to the Victims' Trust Fund (OIOS, 2021, p.5). More than seventy-seven percent of member states (n=27) have taken some form of procedural action against perpetrators in substantiated cases against uniformed personnel under UN command. Member states might apply more than one penalty to each individual involved in a case, for example by dismissing the individual from service and handing them a prison sentence. Out of a total of 135

substantiated cases, sixty-four per cent of substantiated cases resulted in some action by member states, twenty-eight per cent are still pending action, and eight per cent resulted in no action taken against the perpetrator. Eighteen cases involving member state action include a combination of penalties, the most frequent of which are jail with demotion or dismissal from service. Figure 6 breaks down the application of penalties by member states per year by the percentage of cases in which each penalty was reported.

Figure 6 Member state penalties for uniformed personnel in substantiated allegations by frequency of use of penalty, 2015-2021



Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

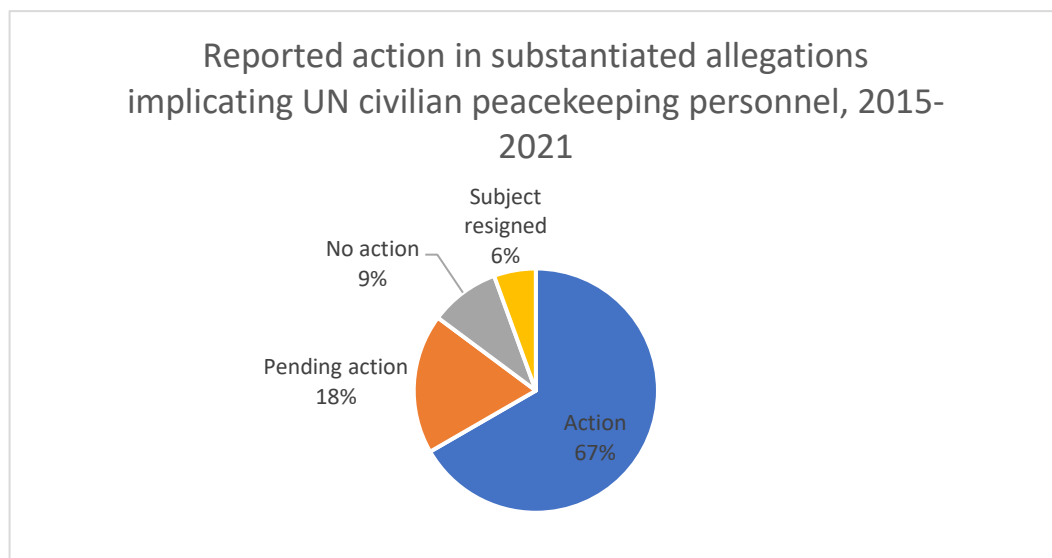
The most common outcome overall for perpetrators where member states take action is through a jail sentence ($n=53$), which occurred in more than thirty-seven per cent of penalties, followed by the disciplinary action of dismissal from service ($n=25$), which occurred in seventeen per cent of penalties. The data trends from 2015-2021 indicate a slight decrease in jail penalties and dismissal, and a slight increase in financial sanctions. There are more perpetrators who are sent to jail for criminal sex offences than in previous periods. For instance, the BBC reported that by the end of 2006 the UN acknowledged that it was only aware of two individuals who had served jail sentences for sex offences perpetrated in UN missions (BBC News, 2006).

However, the database of allegations does not give any indication as to the length of penalties, particularly jail time. One study on community experiences and perceptions of peacekeepers included narratives from women and girls who lodged an allegation that led to jail time. In one case a Uruguayan peacekeeper allegedly served one month in prison for sexual relations with a minor (King et al., 2020, p.6). However, a wider evidence base clarifying the nature and length of penalties is not publicly available.

The UN has the first duties to address allegations against civilian peacekeeping personnel as per its staff rules and regulations (UN Secretary-General, 2018d) and its Office for Internal Oversight Services typically conduct its investigations (United Nations, 2022d). Based on the outcomes of the investigations, the UN then applies penalties as per the staff rules and/or makes referrals to the perpetrator's country of nationality for criminal accountability.

Between 2015 and 2021 there were fifty-five substantiated allegations involving civilian peacekeeping personnel. Action was taken by the UN against perpetrators in substantiated cases seventy per cent of the time (n=36), a further eighteen per cent are still pending action (n=10), and seven per cent have not resulted in UN action against the perpetrator (n=5) (see Figure 7).

Figure 7 Action taken against civilian peacekeeping personnel in substantiated allegations, 2015-2021



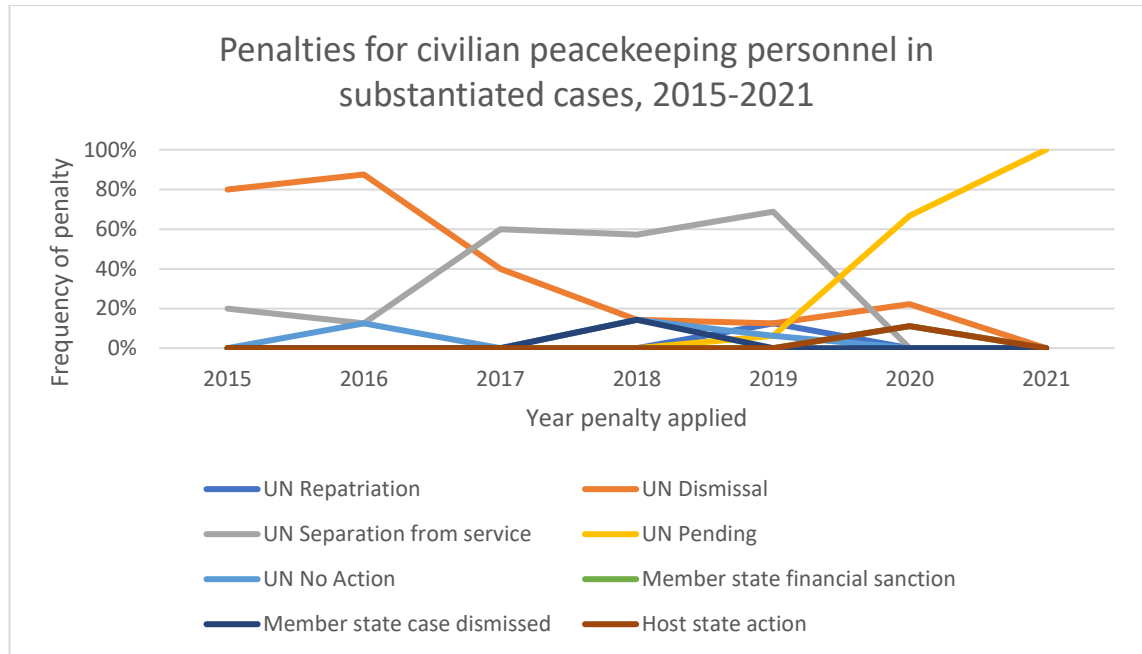
Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

However, two of the cases with no UN action did result in penalties by a national government, which means that actions have been taken against perpetrators in seventy per cent of substantiated allegations involving civilian personnel (n=38). I have chosen to separate out 'subject resigned' which does count as some form of separation from service to highlight that the highest penalties reported for some personnel solely include resignation. There were three civilian personnel implicated in substantiated allegations who resigned in this period, one of whom sexually abused a child in South Sudan.

The most frequent penalties applied to civilian personnel during this period include dismissal (n=18) in thirty-three per cent of cases, followed by separation from service (n=10) in eighteen per cent of cases (see Figure 8). According to the UN Staff Rules and Regulations (2018d), dismissal constitutes a disciplinary measure in which the perpetrators can be fired without notice or compensation (para.9.7.e). Separation from service includes resignation and termination, and largely refers to ending the contract or appointment of a perpetrator

with some notice and possibly with some compensation (UN Secretary-General, 2018d, para. 9.7).

Figure 8 Penalties for civilian peacekeeping personnel in substantiated allegations by frequency of use of penalty



Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

All substantiated cases from 2021 are still pending UN action. There was one case against a member of national staff in 2020 that resulted in action by the host state (South Sudan) against a national member of staff, but no details are provided in the database as to the penalty applied to the perpetrator. Further, there is one case of a financial sanction against a UN volunteer in DRC by a member state. The UN's internal procedures for holding perpetrator to account are a far cry from that of the military. There are very few cases of civilian peacekeepers going to trial in their home country, as member states have either not taken action or there have been failures in investigations to make referrals to member states. The first only successful prosecution was UN civilian peacekeeping contractor Didier Bourguet, who was jailed for nine years by the French government in 2008 for the rape of two girls in DRC in 2004 (France 24, 2008); although, upon his release from prison he stated that he believes he raped up to twenty-five girls (Navai, 2018). But the challenges holding perpetrators of sexual exploitation, sexual abuse and even sexual harassment to account extend beyond peacekeeping for the UN.

The data trends indicate that member states and the UN are actioning substantiated cases and apply penalties. However, there are a large number of pending and outstanding actions in substantiated cases and cases undergoing investigations that have yet to be substantiated or dismissed.

6.5.2 Pending and outstanding actions on cases

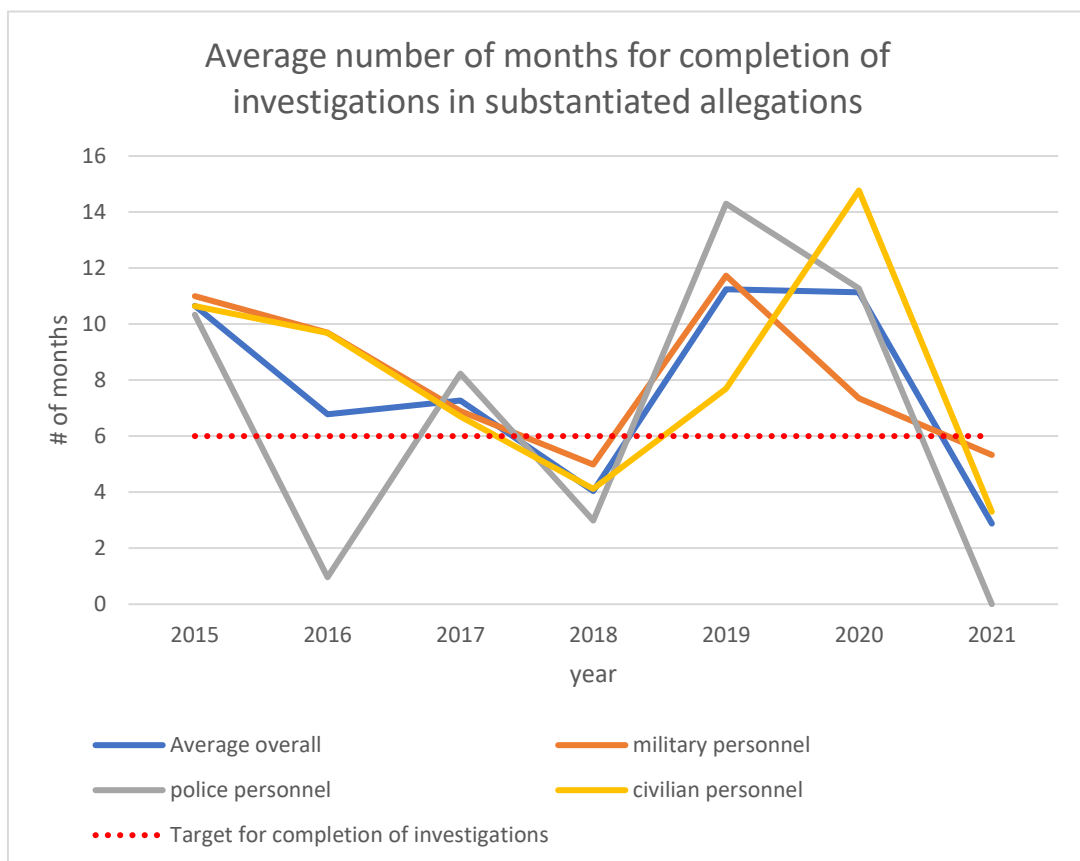
Further, while the database of allegations improves transparency with respect to at least noting some action has been taken against perpetrators, there are serious shortcomings with respect to cases which have seen no action against perpetrators or where action is pending completion of an investigation. If victims, paternity claimants, and witnesses are able to navigate the reporting process, and if the entity to which they report finds the allegation credible, then the allegation is referred for investigation. If the allegation involves a civilian agency or peacekeeping staff member, then the investigation is conducted by the Office of Internal Oversight Services (OIOS). If the OIOS identifies criminal activity through the investigation, they may refer the case to the perpetrator's home state for judicial action. If, however, the allegation involves uniformed personnel, then the allegation is referred directly to the perpetrator's home state for investigation. The troop or police contributing country may then appoint a National Investigating Officer or may request the assistance of the OIOS in the investigation. If the member state does not respond to referral for investigation, then OIOS conducts the investigation.

At least since 2014 there has been the expectation that investigations should be completed be completed within six months (UN Secretary-General, 2014). Between 2008 and 2013, it took an average of 16 months to complete an investigation (High-Level Independent Panel on United Nations Peace Operations, 2015, para. 281). In 2018 all investigations, aside from those involving non-UN personnel, were completed within the six-month timeline (United Nations, 2022d), and by early 2020 OIOS had an average completion time of 6.3 months (UN Secretary-General, 2020b, para. 39). But there has been a great deal of variation (see Figure 9).

To recap, each case (substantiated allegation) can involve multiple perpetrators and multiple victims, and there are currently sixty-two perpetrators who have not received a penalty for substantiated allegations against them and there a further fifty-seven victims who have no evidence of an outcome on their case. There are a total of seven cases involving ten personnel where no action has been taken or where the case has been dismissed by the member state. Some cases have been pending penalties for several years, which somewhat skews the understanding of how member states respond to substantiated allegations. It is not unusual for the cases since 2020 to be pending, as these may involve a criminal trial, for instance, which might take several years to conclude, or there may be some delays attributed to the COVID-19 pandemic. But, even incorporating this timescale generously, the thirty-two substantiated cases pending penalties from 2015-2019 lend the impression that no penalties will be placed on perpetrators, perpetuating an impression of impunity. For victims/survivors this is a particularly problematic for multiple reasons, including that they may have waited several years for an investigation to substantiate their claim only to find that no penalties were placed on their perpetrator. No action was taken in nine percent of substantiated cases either by the UN (6 cases between 2016 and 2019) or by member states

(10 cases between 2015 and 2020). Twenty-six percent of substantiated cases involving uniformed personnel (37 cases dating 2015-2021) are pending final action by member states and 10 involving civilian personnel (10 cases dating 2019-2021) are pending a final action by the UN. No outcome is problematic in terms of encouraging victims/survivors to come forward to report their allegations, participation in an investigation and to expect some outcome. It is further worth being reminded that even in cases where outcomes are reported to the UN, said outcome might still not be communicated to victims/survivors.

Figure 9 Average number of months for completion of investigations in substantiated cases, 2015-2021



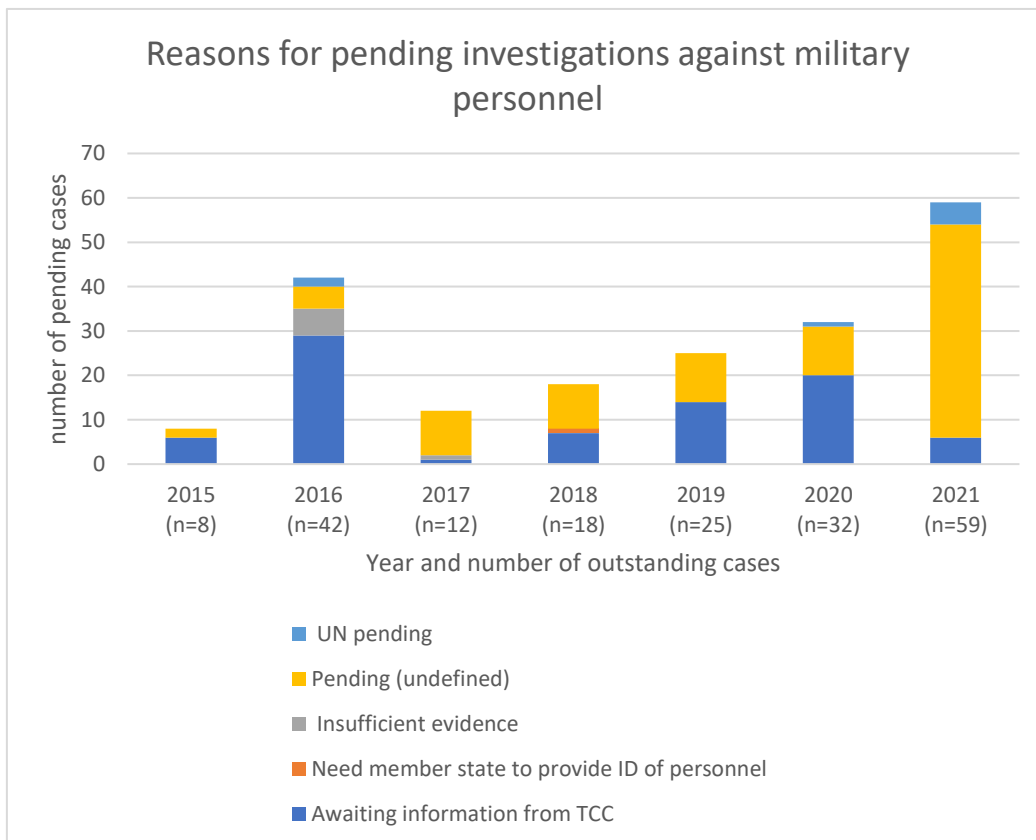
Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

Further, there are n=196 pending investigations that have yet to be concluded that further challenge the view that member states are acting with respect to allegations. Figure 10 offers a visual overview of the reasons that these investigations are pending over this period with respect to military personnel. For cases pending due to insufficient evidence, the case generally indicates that investigators cannot prove that the sexual exploitation or sexual abuse did not happen, but that various issues in the process of the investigation did not lead to clear confirmation that the alleged perpetrator(s) is(are) guilty. The previous chapter detailed some of the many reasons why this might happen.

UN pending can refer to awaiting results of an investigation conducted by the peacekeeping mission or by the UN's Office for Internal Oversight Services. The findings might be delayed because the perpetrator and/or victim/survivor cannot be identified or located. What is quite

important is the responsibility of member states for pending investigations. Except for cases pending since 2021, which are not unusual because of the length of time often required to complete investigations, although they do not fulfil the expected six-month time period for completion of investigations, and delays in investigations likely since 2020 due to the COVID-19 pandemic (UN Secretary-General, 2021b, para. 4), the vast majority of pending investigations have to do with issues in communications or actions with member states. Pending (undefined) can indicate that the UN is awaiting the result of an investigation undertaken by a member state, or that there are issues locating or identifying victims/survivors to proceed with the investigation. The database does not provide a detailed breakdown of the reasons for general pending investigations. The UN might also be awaiting information from a member state to confirm various aspects of an investigation, or the identity of the alleged perpetrator.

Figure 10 Reasons cases have been pending against military personnel, 2015-2021



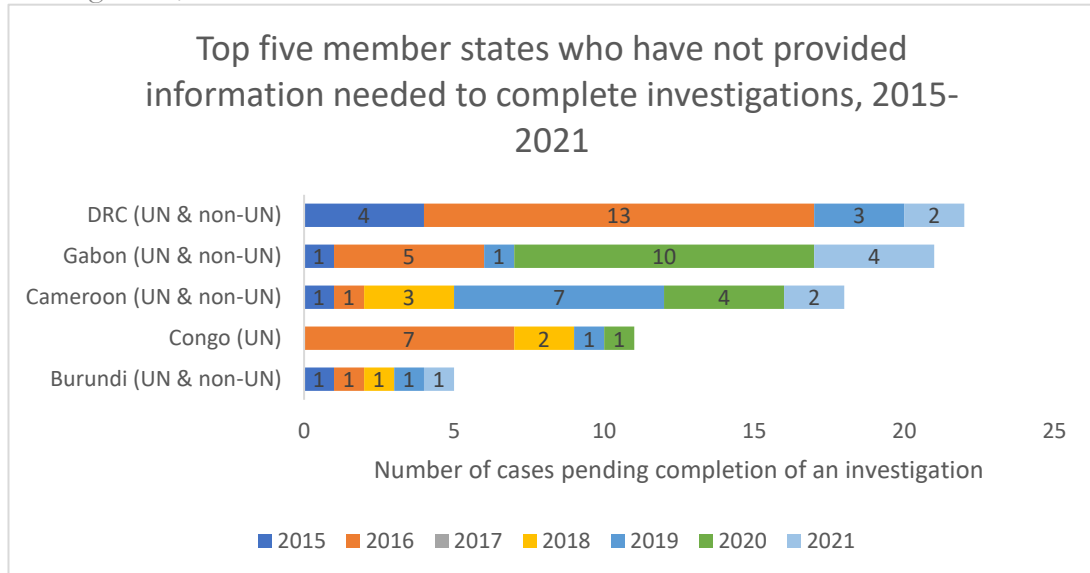
Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

If member states do not cooperate in investigations, nor report on their status or outcomes, or even pursue outcomes, then no action is taken. This is a problem of impunity that has been raised by the Secretary-General in most of his annual reports on SEA. Between 2015 and 2021 there are fourteen member states³ who have UN and non-UN peacekeeping personnel implicated in pending investigations that are held up because of information

³ Benin, Burundi, Cameroon, Chad, Congo, DRC, Ethiopia, France, Gabon, Gambia, Mauritania, Niger, Senegal, and Tanzania.

needed from member states. The top five worst offending member states are listed in Figure 11 below by the number of cases pending information from the member state required to complete an investigation by year. The Democratic Republic of Congo (DRC) and Gabon have more than twenty such outstanding requests each, and between the two countries there are twenty-three cases that have been pending such information since 2016.

Figure 11 Top five member states who have not provided information needed to complete investigations, 2015-2021



Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

By the end of 2019 member states did not respond to notification of paternity claims in seventy-eight per cent of cases (UN Secretary-General, 2022, para. 28). Beyond getting member states to cooperate in providing information on alleged perpetrators to complete and investigations, as voiced in most annual reports of the UN Secretary-General there are also consistent issues regarding member state communications regarding the outcome of substantiated allegations, particularly those involving criminal conduct (see for instance: UN Secretary-General, 2021b, para. 46; UN Secretary-General, 2022, para. 41). Further, delays, mishandling and backlogs in investigations have meant in the past that, especially civilians accused of misconduct were allowed to stay in their position in the missions (Awori et al., 2013, p.12).

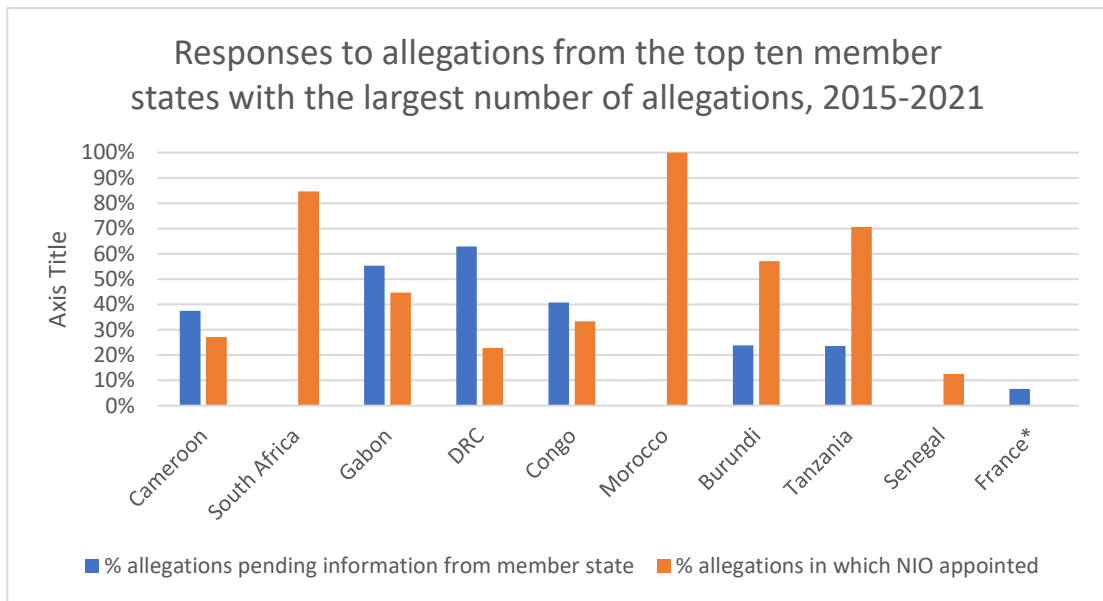
Non-UN forces have been notorious in pending investigations. There are some differences in data collection in the database versus in OIOS reports on allegations involving non-UN forces. The OIOS 2021 cites twenty-three reported cases against non-UN peacekeepers between 2015 and 2018 (OIOS, 2021, p.5), twenty of which were reported in 2016 alone (UN Secretary-General, 2018c, para. 68). The UN data file on allegations since 2017 against this group add an additional eight allegations between 2019-2021, which means that 31 allegations have been made against non-UN forces. Uniformed personnel not under UN command from Burundi, Cameroon, Chad, Ethiopia, France, Gabon, and the Democratic Republic of Congo are implicated in eleven allegations of sexual violence reported between

2017 and 2021, but some of the allegations relate to incidents as far back as 2012 (United Nations, 2022c). Seven allegations also include paternity claims, which are all still pending confirmation (United Nations, 2022c). All allegations are currently either closed or ongoing investigations pending action, and there is no evidence that any victims were provided with assistance.

OHCHR is responsible for following up with these member states on the status of investigations and sanctions, and between 2015 and 2018 persistent efforts to chase up six member states for twenty-three allegations, which mostly included the allegations against French forces in Central African Republic (nineteen allegations) were fruitless (OIOS, 2021, p.5). In 2021 three allegations from member states involved in the former mission in Central African Republic and one from the European Union in the current mission in the Central African Republic were found to be substantiated by OHCHR, and two include paternity claims, and the other was credible, but could not “finalize the investigation owing to a lack of cooperation” (UN Secretary-General, 2021b, para. 70). There is a demonstrable lack of political will on the part of member state deploying non-United Nations forces to peacekeeping operations to cooperate in SEA investigations. To date not a single allegation made against non-UN personnel has resulted in a conviction or indeed a transparent outcome recorded in the database.

Further, if we look at the number of allegations resulting in the appointment of a national investigating officer by a member state, this gives further indication as to the responsiveness of that member state to the allegations. Where national investigation officers (NIO) have not been appointed by a member state, it is often an indication that they have either declined to sending investigators or that they have failed to respond to a request for an investigation (see Figure 12). In this case South Africa does not have any outstanding information to provide to the UN that would hold up an investigation and it has appointed a national investigating officer (NIO) for most of its allegations. Conversely, DRC, Gabon and Cameroon have fared poorly for both pending information and for appointing NIOs. There is no information regarding the appointment of an NIO by France in the database on non-UN personnel, but it is expected that non-UN forces investigate their own allegations. As of the end of 2021, France has yet to provide information in nearly seven per cent of ongoing investigations.

Figure 12 Response to allegations from the top ten member states with the largest number of allegations, 2015-2021



Data taken from the UN's Conduct in Field Missions Database (United Nations, 2022d).

Beyond getting member states to cooperate in providing information on alleged perpetrators to complete and investigations, as voiced in most annual reports of the UN Secretary-General there are also consistent issues regarding member state communications regarding the outcome of substantiated allegations, particularly those involving criminal conduct (see for instance: UN Secretary-General, 2021b, para. 46; UN Secretary-General, 2022, para. 41). But, according to Secretary General Antonio Guterres there have been improvements from some member states in “providing information on results of investigations and/or accountability measures taken on a number of outstanding matters” (UN Secretary-General, 2021b, para. 67). These improvements have largely been attributed to the naming and shaming framework established through Security Council resolution 2272, which the next section will discuss.

6.6 Communicating with victims, survivors, and paternity claimants on accountability

Punishment of perpetrators is often taken as a sign of ‘achievement’ of accountability mechanisms, or even ‘symbolic’ accountability for victims, but the nature of the interaction among those involved in these processes often leaves victims and survivors of sexual violence in conflict and post-conflict countries with little in terms of outcomes. Victims are often left with little to no information on the status of their allegation nor outcomes on their case (Spencer, 2005; Odello and Burke, 2016; REDRESS, 2017).

Assuming victims and survivors are able to participate in an investigation, even an extremely lengthy investigation leading to a substantiated allegation, they might be able to participate in formal legal procedures leading to conviction of a perpetrator in a court of law, offering

them some scope for expressing justice needs and wishes. But formal disciplinary and administrative accountability procedures vary in the extent to which victims/survivors can participate and there is very little evidence regarding the extent to which victims, survivors and paternity claimants have been able to participate in such processes. Formal accountability measures, particularly legal accountability from criminal cases also relies on victims/survivors' and paternity claimants' access to legal representation. While the Victims' Trust Fund has sought to increase access to such representation, this is an area of support which is quite under-resourced (OIOS, 2021). Others have documented how even in seemingly ideal circumstances of host state support and pro-bono legal representation, victims and survivors have been unable to receive a resolution in the court of the troop contributing country (Redress and Childs Rights International Network, 2020).

Another critical area of failure is on paternity claims. The UN's role in paternity claims "is limited to facilitating and supporting a process which leads to the recognition and realization of parental responsibility", and they cannot resolve claims or pursue them at national levels, nor can they force DNA testing, child support, or parental recognition of children, which is the duty of member states (Office of the Victims' Rights Advocate, 2021, p.15). The 2021 OIOS evaluation of the new approach finds that, despite the 49 new initiatives 2017 and the previous 55 initiatives, pending initiatives include "procedures for handling paternity claims and communicating with victims" and uniform standards on investigations (OIOS, 2021, para. 72). The same stalemates with member state action and responses to allegations continue to plague progress towards processing paternity claims. The UN does not assume responsibility for financial support to the children, but it has engaged in assistance services to help people with immediate material needs and pursue paternity claims and medical and child support (Simić and O'Brien, 2014). Sri Lanka made a one-off ex gratia payment for a child support claim where the father was not traceable (UN Secretary-General, 2017, p.31).

According to Sri Lankan and UN Officials in an interview with Associated Press, in one case in Haiti, a woman spent nearly a decade pursuing paternity claims against a Sri Lankan commander, and she was eventually granted a onetime payment of \$45,243 (Dodds, 2017). However, paternity claims payments are rare. There is much more work to be done on this topic, little is known about the extent to which these assistance services have helped victims, the length of time during which services are available to victims, and the actions resulting from paternity claims.

Poor communications in another case in Haiti reportedly gave the perception to the claimants lawyers that support was denied both by the mission staff and the peacekeeper. Some mothers have resorted to social media to try to communicate with the father and receive child support (Vahedi et al., 2020). Some countries are making improvements in paternity. For instance, Canada, India, and Uruguay appointed a national focal point for paternity issues for SEA (UN Secretary-General, 2017a, p.30).

The 2019 report noted the formation of an Inter-agency working group to resolve paternity and child support claims (UN Secretary-General, 2019b, p.19). Ecuador was transparent in one paternity case for claiming child support-they were able to grant the child a birth certificate and citizenship rights and intends to monitor child-support payments to the claimant (UN Secretary-General, 2017a, p.30).

Blau (2016) has argued that Model Status of Forces Agreements should be again revised so that peacekeepers must provide DNA samples to be stored in a database, that host states and TCCs should form an agreement to enforce child support payments, and that the UN should create an interim fund to compensate mother's while they await confirmation of paternity claims. However, member states have been resistant to such proposals.

Outcomes for victims in procedural processes have been abysmal. One other option for answering is through compensation, which has been a critical area of disengagement.

6.7 The question of compensation

The question of compensation has been a point of contention that has yet to be resolved. It is a recommendation that has made multiple times since the beginning of the SEA policy Agenda. Prince Zeid's landmark report sought provision of legal advice to victims for civil or criminal redress, adding that "peacekeeping personnel [should] be held financially accountable for harm caused to victims" (Al-Hussein, 2005, p.5). In 2005 the Special Committee on Peacekeeping even recommended that the victim assistance strategy that was being drafted at the time should 'include means for financial compensation' to victims (Special Committee on Peacekeeping Operations, 2005b, para. 34). Other reports recommend guidelines on financial compensation to victims, stating it should be

channelled through an agency ideally with whom a referral arrangement has already been established. This group would then assess the medical, psychosocial educational needs [of the victim (and her child)]and provide the funds allocated accordingly (Dahrendorf, 2006, para. 80).

Past UN review reports have called for a global agreement on paternity claims to support mothers and children (Al-Hussein, 2005; Dahrendorf, 2006, para. 77) and authorised DNA tests to establish paternity and obligate personnel to provide child support (Al-Hussein, 2005, p.6). But the victim assistance mechanism specifically excludes possibilities for compensation in its remit. It further clarifies that victim assistance "is not an acknowledgement of the validity of the claims or an indication of acceptance of responsibility of the alleged perpetrator" (UN General Assembly, 2007b, para. 14). These clarifications emphasise the notion that the UN is not responsible for providing compensation or reparations to victims. Financial compensation to victims and outcomes regarding paternity claims are rare.

In 2015 the High-Level Independent Panel on Peacekeeping Operations include as a recommendation that "[t]he United Nations should ensure that individual victims of sexual exploitation and abuse are compensated for the harm they suffer from United Nations

personnel" (High-Level Independent Panel on United Nations Peace Operations, 2015, p.15). Later proposals of the Secretary-General for the Victims' Trust Fund do re-consider where it can be used for "direct assistance payments" and "the possible use of ex gratia payments to victims in exceptional cases" where Member States fail to fulfil their accountability duties (UN Secretary-General, 2017a, paras.34-35), but such measures have not been formally adopted. However, according to an interview participant who is a lawyer for an international organisation, some victims have been provided directly with money:

The amount was small, amounting to a few hundred [currency] over a few months, but these payments were quite clearly not framed as compensation, nor was there any communication on the determination of how the amount was decided (Lawyer of international organization, 2020c).

Boston-based Institute for Justice and Democracy and Haiti and their partner law firm in Haiti, Bureau des Avocats Internationaux, represent ten clients who are pursuing paternity claims against UN personnel. In an open letter to Victims' Rights Advocate Jane Connors in 2019, the organisation identifies how some of their clients were involved in a programme for providing school fees and lunch boxes for children fathered by peacekeepers does not support or assist victims or children 'in accordance with their individual needs' (IJDH, 2019, p.4). The open letter from the law firm representing victims and paternity claimants also identified how clients legal counsel were circumvented in communications on paternity claims in other instances (IJDH, 2019, p.4). The new approach included the establishment of the Office of the Victims' Rights Advocate (OVRA), and the field advocates located in Central African Republic, Democratic Republic of the Congo, Haiti, and South Sudan who are meant to perform a role which should also assist victims in pursuing justice and receiving redress (UN Secretary-General, 2020). However, they have also been involved in bypassing the official legal representatives of victims.

6.8 Conclusion

Accountability can function as a norm and as an operational concept, and as a practice. The assertion that there are governance gaps centres on disagreement about the goals, standards, responsibilities, and requirements of global justice for global governance organizations (Buchanan and Keohane, 2006, p.418). Progress in accountability processes should be evaluated based on the answers provided to victims. A concern with outcomes for victims places them in accountability relationships with Peacekeeping institutional actors as subjects of answerability. As Schweiker (1993) has argued, the moral relationship in accountability is constituted between those answering and those answered to. Bypassing concerns with outcomes for victims signifies that there is no moral relationship between victims and the UN and member states. This has implications for how the victim-centred approach can be understood, because it places victims outside of the ends or goals of

accountability. The core goal of the SEA accountability agenda is to prevent the sexual misconduct that would lead to victims in the first place. The continued impunity of perpetrators and under-prioritisation of support for victims' access to services that would allow them to participate in accountability processes and/or seek alternative modes of justice and accountability reinforce the structural contexts within which sexual exploitation, sexual abuse, sexual violence, and a continuum of harms reproduce.

Chapter 7 Discussion & Conclusions

This thesis sought to explore the changes that have emerged in the UN's approach to accountability for sexual exploitation and sexual abuse perpetrated by UN peacekeepers and related personnel following the adoption of a victim-centred approach in 2017. I find that the victim-centred approach reflects emergent changes in the frame of the UN's approach to accountability since 2017 and the constitution of relationships with victims, survivors, and paternity claimants. The UN has increasingly begun to frame accountability on the problem as a normative issue of mission, which has brought in new priorities regarding the ability of the UN peacekeeping to fulfil its mandates that view accountability increasingly as a normative problem of integrity—both internal to the organisation and externally towards victims and peacekeeping missions more widely. However, this new framing is limited discursively and in practice in terms of the accountability relationship constituted with respect to victims, survivors, and paternity claimants. Little concern has been granted to outcomes for victims, indicating they are not constituted as subjects of answerability in the victim-centred approach. The victim-centred approach is a mixed bag. There is evidence of ongoing deliberations and contestations regarding its meaning, but its practice is limited by how victims are viewed as subjects of accountability. They continue to be placed on the margins of justice.

This finding is important for understanding how to critically assess the wider emergence of victim and survivor-centred approaches adopted by international and non-governmental organizations operating in the global governance space. The adoption of Security Council resolution 2467 (2019) occurred while I was writing this thesis, and it calls for survivor-centred approaches to the prevention and response to conflict-related sexual violence. There is nascent scholarship critically engaging with these developments. The mapping of the political space within which this resolution is articulated warrants critical investigation for feminist scholars. As these new agendas that claim to represent victims and survivors come into the international political space, they have both transformative potential and the potential to reproduce inequalities and violence at the root of the accountability problems they seek to address. This study thus provides an additional insight into the notion of victim-centred in accountability agendas.

7.1 Results

The first objective of this research was to determine how the UN has framed accountability on the problem between 1992 and 2021. I looked at this problem in terms of the boundaries of the political space within which accountability is defined and produced in the frame. In Chapter 3 I identified how accountability was framed as a normative issue of governance, which prioritised regulating sex and views accountability as a problem of misinformation in the 1990s and early 2000s. In Chapter 4 I considered progression of the frame in three periods. From 2004 until 2012 accountability was re-framed as a normative issue of performance, which prioritised performative demonstrations of protection embedded in security logics that view accountability as a problem of individual behaviours. From 2013-2016 the normative frame of performance was expanded to introduce new priorities to the principles of integrity and transparency mechanisms and connected to universal values and normative frameworks. However, the legacy of the previous interpretation of performance contributed to accountability practices that sought to shield UN peacekeeping from reputational threats. From 2017-2021 accountability is increasingly framed between the normative issue of performance and mission, which has brought in new priorities regarding the ability of the UN peacekeeping to fulfil its mandates that view accountability increasingly as a normative problem of integrity both internal to the organisation and externally towards victims and peacekeeping missions more widely. The closer integration with normative agendas on gender equality and empowerment, Women Peace and Security, Protection of Civilians and other areas indicate a convergence of cross-cutting issues. Further, discursively the victim-centred approach adds the principle of inclusion, activating notions of participation and representation that merit promise.

The second objective was to critically assess how accountability relationships with victims are constituted over time to determine changes emerging with the victim-centred approach. In Chapter 3 I critically assessed the context within which the SEA agenda emerged and argue that the regulation of sex neglects attention to the degrees of agency and coercion involved in sexual interactions with peacekeeping personnel. I identified sexual forms of corruption as a particularly neglected area of the normative and regulatory framework.

In Chapter 4 I identified how the shift in the frame towards a normative logic of mission suggests a reconstitution of accountability relationships with victims in the new approach evidenced in the increase in the discursive references to responsibilities to victims. Through analysis of the association between discourses of victims and accountability and found that significant changes are evident in recognising victims as human rights bearing agents in policy discourse.

In Chapter 5 I critically assessed the distribution of resources in complaints and victim assistance accountability mechanisms in field missions involving victims. I found a historically consistent under-prioritisation of these essential mechanisms. The under-

resourcing of these accountability mechanisms suggests poor political to support victims' participation in accountability processes and little concern with the impacts of sexual exploitation and sexual abuse on victims.

In Chapter 6 I analysed how victims are represented in in terms of outcomes of accountability processes in the database of allegation I identified the problematic misrecognition of victims in the database of allegations and indications of poor attention to outcomes for victims. The presentation of information regarding unsubstantiated cases reinforced an assumption of numerous false allegations rather than access and protection failings I identified in Chapter 5 regarding accountability mechanisms in field missions. The new approach has led to recording unsubstantiated allegations differently, which is positive, but the presentation of the data in charts masks the scale of the problem regarding the reasons for unsubstantiated allegations, which marginalises victims in the accountability practice of transparency.

7.2 Promising prospects

Paula Donovan of the Code Blue campaign by aids-free world describes the 'new approach' as a "repackaged version of the old, failed approach" (Donovan, 2018, n.p). However, it is not quite so. The political space has opened to integrate important normative frameworks into the SEA accountability agenda. The practice of the new approach does reflect much of the 'old', but ensuring victims' have access to accountability mechanisms and support are critical needs and areas that are increasingly granted more attention. To be sure, there is much more to be done.

But the UN *has* adapted and reformed its approach to sexual exploitation and sexual abuse multiple times in the wake of global public awareness of the sexual behaviours and abuse of power by peacekeeping personnel. The UN General Assembly has adopted fifteen resolutions geared towards establishing an international convention on criminal accountability of UN officials and experts on mission that would clarify these transnational complications, but the convention itself has yet to materialise. Twenty-seven task forces and working groups, nineteen reports of the Secretary-General on SEA, eighteen reports of the Special Committee of Peacekeeping Operations mentioning SEA, fifteen General Assembly resolutions, one Security Council Resolution, the adoption of seven policies by the Department of Peacekeeping Operations (DPKO) later, the UN is still grappling with the issue and impacts of the sexual behaviours and abuse of power of its personnel. After several decades of various public approaches to responding to the problem now termed sexual exploitation and sexual abuse, much work is needed to fulfil the "unique responsibility of the United Nations to set the standard for preventing, responding to, and eradicating sexual exploitation and abuse within the United Nations system" (United Nations, 2018, para. 2). However, the adaptations to the strategic approach to accountability have, since 2017 especially, are emergent.

They are emergent in terms of demonstrating a willingness to rethink the political space within which accountability can be understood in the UN. These adaptations suggest increased political will for deliberating the responsibilities of the UN in justice and accountability issues.

The UN has evolved its approach from a primary focus on accountability of perpetrators and responsibilities of member states for delivering accountability of perpetrators. It has expanded its role as an accountability actor over the twenty-five-year period. The integrity systems that were designed in the 2000s constitute a key starting point for the development of a wider integrity and accountability system. It has especially taken on new roles from 2015 onwards by introducing transparency mechanisms and old roles from the toolkit of other areas of the UN's work. The expanded old roles are largely political in character, insofar as the UN serves as a site of global governance through political decisions can be made.

The UN has shifted its frame of references for how it views its accountability responsibilities for the problem at least three times. It moved from an understanding of accountability in a narrow sense as a matter of regulation, to a broader sense of performance, and more recently it is connecting accountability to normative frameworks and its overall mission. The victim-centred approach has been part of this discursive transformation. Many of the reforms across the accountability agenda have coincided with increased accountability demands in the aftermath of scandals. For these reasons it is emergent and suggests an opening of political space for deliberations regarding the requirements of accountability.

The addition of advocacy roles and a wider set of activities designed to support victims through the appointment of the Victims' Rights Advocate in 2017, mirrors appointment of advocates for the other areas, include the Sustainable Development Goals, youth, climate, inclusive finance and so on. The introduction of a Victims' Trust Fund further draws from the UN's pre-existing toolkit, although it takes a different shape from other Trust Funds insofar as it does not provide direct assistance to victims of human rights violations. Further, the Field Victims' Rights Advocates essentially perform an expanded SEA Focal Point role.

But UN peacekeeping actors have revised the ways in which they conceive of their roles in accountability. They expanded the reach of political efforts significantly since 2017 to try to secure greater consensus and support from member states in holding perpetrators to account and implementing preventive measures. Further, the greater attention brought to victims' rights, needs and dignity as well as to paternity claims and child support signifies a substantial shift in discourse following the scandal in the Central African Republic.

There are shifts and changes that are evident across 25 years of the UN's SEA agenda and there is scope for viewing UN accountability as an ongoing process open, at times, to finding creative ways of dealing with legal shortcomings. There is still quite a long way to go, but many of the appropriate frameworks are in place to demonstrate accountability in the UN system as emergent, and this is largely positive as indicates openness to further reform.

One limitation is that the UN's approach to formal procedural accountability rests on long-term processes to secure political will of member states, which, while necessary, are insufficient to address accountability and justice needs in the short and medium-term, particular for victims, survivors and children born of peacekeeping personnel. The few cases identified by activists, advocacy organisations, academic researchers and journalists suggest that even in the best-case scenario of a conclusive investigation, legal aid, and member state intentions to display some transparency in holding perpetrators to account, victims still tend to lose out on the opportunity to meaningfully participate in these processes and decisions.

However, because the UN has focused on the issue of sexual exploitation and sexual abuse largely as a matter of its own integrity for so long, it has prioritised procedures and neglected to address the justice elements of the governance problem which should engage outcomes, or a concern with the substance of accountability. Integrity in global governance prioritises procedures, but victims and survivors also have integrity concerns, physical, emotional, psychological, and social and economic. If integrity is about wholeness and where SEA disrupts the wholeness of a person, it is also a matter of the integrity of their rights and critically also of justice. Reforms have rarely led to accountability of perpetrators and have regularly failed to answer to victims, survivors, and paternity claimants. A victim-centred approach largely seems to correlate to providing assistance and support to victims under the now semi-funded victim-assistance mechanism. The introduction of a system-wide victim-centred approach needs much more conceptual and practical engagement. As it stands, it places victims, survivors, and paternity claimants on the margins rather than at the centre of justice.

On a practical level there are a number of gaps in the accountability response to victims, survivors and paternity claimants that should be rectified—that independent, safe, and effective reporting mechanisms are accessible and created with input from victims, survivors, and their communities; that investigations are conducted by those trained and competent in investigating sexual violence and exploitation, including from gender and survivor sensitive approaches; that victims, survivors, and paternity claimants are provided with adequate support which should include an array of services; and that justice approaches not only be transparent, but survivors and paternity claimants should have a clear say in what justice and accountability needs they have, or what it means for them. There are further resourcing and competency needs, but it is also clear that survivors and paternity claimants need to be at the centre of consultations, discussions and decisions that affect them. The slow progress in holding perpetrators to account and the lack of transparency on outcomes for survivors and paternity claimants builds a picture of continuing impunity and injustice.

There are, however, some areas of improvement that offer avenues for progress in opening up space for victims and survivors to participate in accountability and justice processes. The in-situ courts martials offer the affected community, including victims, access to a physical space in which they are able to witness formal accountability and justice procedures. But

there is a vast difference between witnessing procedures and meaningful participation. The determination of an appropriate answer requires victims, survivors, and paternity claimants to be able to access legal and decision-making forums to advance their claims through parity of participation in accountability and justice matters.

The reforms since 2017 have been significant and demonstrate positive signs of commitment and reform in addressing accountability of UN peacekeeping and the wider UN system. These demands, particularly from global publics, have been effective in encouraging diagonal modes of accountability that have led to a series of promising reforms and increased political will from member states. Media investigation and leaked reports have been the main transparency mechanism around which accountability demands have been articulated. A more transparent approach would be for institutional actors to be more upfront with scandalous reports and to detail or request assistance, including from civil society, for further action without the need for cover-ups and leaked reports.

7.3 The need to reconstitute accountability relationships with victims

Accountability itself is about record keeping, “it is about listing and counting important ‘things’...it implies telling a story, based on some obligation with some consequences in view” (Bovens et al., 2014, p.2). The story of accountability is also a story of framing that involves a mapping and dividing of political space which indicates who and what counts, which has implications for the logics and decisions determining what accountability is, and what it is not. For sexual exploitation and sexual abuse, there are ongoing struggles over the political meaning of accountability and its relation to justice for victims, survivors, and other affected people. The shape of the struggles since 2017, however, offers promise for reconstitution the accountability relationship with victims, survivors, and paternity claimants.

And yet, the UN’s accountability agenda prioritises member states and global publics as the primary subjects due an answer in accountability arrangements. It answers to member states through demonstrating progress implementing the zero-tolerance policy via a wide of host of technical and managerial roles. It answers to global publics through a host of transparency initiatives which seek to demonstrate openness regarding the overall status of allegations. The UN conceives its role in ‘answering’ directly to victims through its managerial role in facilitating assistance and support, including through the efforts of individual Field Victims’ Rights advocates, community-based organisations, and, for four countries, the projects of the Victims’ Trust Fund. To start, the UN needs to reconstitute accountability relationships with victims.

The Accountability frame determines a shared meaning regarding the problem of sexual exploitation and sexual abuse, the solutions that can follow, and who counts. The frame constitutes a space for understanding the role and status of norms, including emergent norms (Finnemore and Sikkink, 1998; Barnett, 1999). I have offered insight into the emergence of

the victim-centred approach within the context of the UN's accountability agenda by analysing the factors driving responses to accountability demands. I have traced the evidence of intersections with normative frameworks including the WPS agenda, promotion of gender equality and empowerment of women, and protection of civilians. I have identified the problem of resourcing priorities and pressures that characterise accountability mechanisms that victims need to access in field missions. I have also criticised the means by which accountability ends or outcomes are defined in transparency mechanisms of evaluations at the UN's database of allegations. I have also argued that claims to represent are laden with asymmetric power relations that are inherently problematic.

Dubnick argues that work towards improving or enhancing accountability "also alters accountability" and reshapes pre-existing forms of accountability relationships (Dubnick, 2011, p.712). Changes to accountability relationships through reform are not necessarily counterproductive and altering accountability can create better points of leverage for change. The UN has made significant changes in terms of how it articulates accountability in a victim-centred approach. However, these discursive changes have a key problem of representation of victims in accountability relationships. A victim-centred approach should first and foremost place victims, survivors, and paternity claimants as the primary subject due an answer from institutional actors. Policy discussions should consider the forms of answer they can provide that reflect the individual, and in some cases collective, needs and rights of victims, survivors, mothers of and children fathered by peacekeeper personnel. What is missing from the conversation on accountability in a victim-centred approach is options for rights to redress for abuse of power.

Fraser proposes a means of framing institutionalized power relationships in global justice issues through what she terms the all-subjected principle. She defines the principle as follows:

According to this principle, all those who are subject to a given governance structure have moral standing as subjects of justice in relation to it. On this view, what turns a collection of people into fellow subjects of justice is neither shared citizenship or nationality, nor common possession of abstract personhood, nor the sheer fact of causal interdependence, but rather their joint subjection to a structure of governance that sets the ground rules that govern their interaction (Fraser, 2008, p.65).

This principle is the ideal of the construction of justice relationships in transnational encounters that extend beyond the bounded political community of the sovereign territorial state. Fraser (2008) argues that in the best-case scenario, institutional frames are subjected to ongoing critique and reframing that constitute a new political landscape for addressing justice claims. I view this principle broadly as an ideal end of the construction of accountability relationships between peacekeeping institutional actors and victims and the political landscape of accountability for UN peacekeeping more widely.

7.4 Relevance to the literature on victim and survivor-centred approaches

The literature on victim and survivor-centred approaches draws attention to the problematic production and political construction of victims and survivors. Together they foreground issues of recognition and representation. For them the risks and evidence of instrumentalization of victims' voices is a political matter that reinforces their marginalisation (Robins, 2017; Lawther, 2021; Brett, 2022). They identify the ways in which victims are situated in status hierarchies of victimhood that wrongly exclude some from consideration in access to accountability spaces and emphasize the need to rethink representation of victims, both in terms of how victims' voices and stories represented by others and how victims are represented in terms of agency (Madlingozi, 2010; de Waardt and Weber, 2019). Tshepo Madlingozi (2010) has specifically argued for greater political responsibility in transitional justice interventions, particularly through ensuring that victims are able to participate on par with each other as equals in activities that affect them.

The scholarship also identifies the need for the representation of victims through meaningful participation in shaping the scope, approach, processes, and outcomes of accountability. From redistributive issues in terms of how priority decisions are made regarding victims' needs, where process dominates over outcomes or considerations of reparations (Kent, 2019; Hamber and Lundy, 2020). They also contend that an expanded scope of how victims' needs are considered should be integrated to more effectively promote accountability, including by considering the communities in which they are embedded and their everyday lives (Boesten, 2017; Clark, 2021; Boesten, 2021). Those writing on the Women, Peace and Security agenda have also foregrounded the neglect of prioritisation of women's meaningful participation and rights and access to relief and recovery (Hewitt, 2016; True, 2016; Kirby and Shepherd, 2016; Basu, 2017; Reilly, 2018).

The findings of this research reflect much of what the nascent scholarship on victim and survivor-centred approaches have argued, that representation of victims and survivors is a critical aspect that requires much more attention in institutions advancing victim and survivor-centred approaches. And, that the mapping of the political space for victim and survivor-centred approach in terms of how accountability relationships are constituted with respect to victims and survivors is a critical area of interrogation.

Critical of increased accountability demands on governance actors, Flinders (2014) has argued that academic research should seek to reduce accountability demands by managing expectations to promote trust in governance. But trust, for Devika Hovell, is at the heart of the legal authority of peacekeepers, and the relationship between peacekeepers and humanitarian agencies and those with populations under its administration (Hovell, 2018, p.988). Others have also identified the how SEA undermines trust and the values of the UN and UN peacekeeping (Burke, 2014), but the trust in governance institutions can also depend

on the response and reforms that follow from accountability demands. This thesis suggests that the accountability demands placed on UN peacekeeping have been a key aspect of the noticeable shift in accountability priorities. The UN has demonstrated the capacity and will to rethink its strategic approach multiple times. The challenge now is to continue to critically attend to the dynamic interpretations and formulations of the responsibilities of governance actors, and to work towards improving the practice of accountability.

7.5 Recommendations

There are four recommendations I make for reconceptualising the approach to accountability that are covered in the chapters in this thesis. These are broadly: (1) to deliberately reconstitute accountability relationships with victims, survivors, and paternity claimants by recognising them as primary subjects of answerability in accountability relationships; (2) to prioritise resourcing mechanisms that victims will access in field missions; (3) to evaluate accountability based on the substantive outcomes for victims, survivors, and paternity claimants; and (4) to adapt and clarify the zero-tolerance policy.

Recommendation 1: Deliberately reconstitute accountability relationships with victims, survivors, and paternity claimants by recognising them as primary subjects of answerability in accountability relationships

Victims should be recognised as the primary subjects of answerability in the accountability relationships.

Recommendation 2: prioritise resourcing mechanisms that victims will access in field missions

The human, material and financial resources directed at the set of accountability mechanisms in field missions that victims require access to in order to pursue formal procedural accountability have been woefully under-resourced and under-prioritised. Significant investment is needed in establishing sustainable and accessible complaints reception mechanisms, robust victim assistance networks, including services that offer legal representation, and experienced, competent investigators who take gender and child-sensitive approaches are needed.

Recommendation 3: evaluate accountability based on substantive outcomes for victims, survivors, and paternity claimants

Part of rethinking these relationships is to view accountability as more than a set of processes. It should also be linked to substantive outcomes for those most affected by harms at the hands of international personnel, which means that there should be the possibility of redress or even reparations. Viewing accountability in terms of its substantive outcomes for victims, survivors and paternity claimants constitutes an explicit recognition of the right of these

people to an answer, specifically their right to redress. Redress, including through formal judicial processes and paternity and child support claims, should be a possibility in all substantiated allegations. This recommendation relies extensively on the political will of member states. But a step forward would be for member states and the entire UN system to acknowledge explicitly that victims, survivors, and paternity claimants are the priority actors who should be answered to substantively in accountability arrangements.

Recommendation 4: adapt and clarify the zero-tolerance policy

The zero-tolerance policy problematically distances sexual exploitation and sexual abuse perpetrated by international interveners from sexual violence. The policy should be clarified in three aspects. First, it should include sexual forms of corruption in the definition so as to allow a wider set of instruments for pursuing accountability of perpetrators. Secondly, in consultation with host communities, ideally in as context-specific circumstances as possible, the question of consensual prostitution should be revisited. Outlining all sexual encounters with international personnel as exploitative fails to recognise the agency of local people. It also dilutes the accountability agenda on the problem and may inadvertently force prostitution underground into situations that are more dangerous for sex workers. Thirdly, consensual sexual relationships resulting in the birth of a child should be considered distinctly from sexual exploitation and sexual abuse, where defined as consensual by paternity claimants themselves.

7.6 Future Research agendas

Future research on the implementation and shape of the victim-centred approach to sexual exploitation and sexual abuse would benefit immeasurably from participatory action research that includes victims, survivors, and paternity claimants. Their experiences, perspectives, interests, and needs are essential to understanding what this agenda means in practice and what its implications are for the mapping of the political space and status of accountability for this problem.

Work towards implementing the recommendations made in this thesis would benefit from further research in a number of areas. Much more research is needed on the actual experiences of victims, survivors, and paternity claimants in accessing assistance and services, including legal assistance. More is also needed on the experiences and perspectives of those who pursue formal legal procedures. This will be important to evaluate the effectiveness and appropriateness of criminal approaches to accountability. We could also do with understanding the scale and nature of informal accountability arrangements made between individual perpetrators or fathers and victims, survivors, and paternity claimants. Future research is needed to understand how victims, survivors and their communities perceive the projects of the Victims' Trust Fund. And more widely, further research is needed to understand what works in promoting meaningful participation of diverse social actors,

especially women and minorities, in developing strategies to prevent and respond to sexual exploitation and sexual abuse in UN missions.

Other areas could include research involving the implementers, including the Victims' Rights Advocates and people working in PSEA Networks, to understand better the challenges they face in supporting accountability for victims, survivors, and paternity claimants.

7.7 Conclusion

UN peacekeeping actors have spent decades shielding from view many of the manifestations and impacts of the sexual behaviours of its personnel. Sustained media and advocacy following scandals in 2015 indicate that changes in approach are occurring. The shield may still be in place, but it is more transparent than previously, which is encouraging. The challenge now is to sustain this momentum that began as a reaction to a reputational crisis and to transform it into something that aligns with the UN's goals, normative frameworks, and longer-term aspirations. As stated by Kevin Watkins of the Save the Children UK in oral evidence to parliament on the problem: "I hope we have an emerging leadership in the sector that genuinely sees this as one of the great [challenges] of our age" (Watkins, 2018, Q499). With the right leadership, resourcing, the challenge of addressing sexual exploitation and sexual abuse can become a vital opportunity for promoting transformative progress through a victim-centred approach.

The UN has an opportunity to set a global standard and demonstrate that justice and accountability are achievable for sexual exploitation and sexual abuse. If the UN and its member states can demonstrate global leadership in accounting for SEA, this has important implications for the development of work towards other frameworks and normative aspirations.

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