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FKVK02
Spring 2024

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Exploring Impunity and Accountability: The Impact of TCC-UN Relationships on Peacekeeper Perpetrated Sexual Exploitation and Abuse

A Case Study of Sexual Offences Committed by UN Personnel During MINUSCA and MONUSCO

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Word count: 9992

Abstract

Reports of sexual abuse committed by United Nations peacekeepers has sparked much attention and research in recent years. Scholars, journalists and the general population have made efforts to try and understand this phenomena and its apparent continuation. The aim of this paper is to examine and identify the possible factors, stemming from the relationship between Troop Contributing Countries and the UN, that enable impunity and a lack of accountability in regards to sexually driven crimes committed by peacekeepers during missions. Employing a comparative case study of MINUSCA and MONUSCO, selected through literal replication, the study aims to address a research gap by integrating Legal Pluralism and Agency/Principal Actor theories into its theoretical framework. This paper identifies a number of factors which could explain the sustainment of impunity and inadequate accountability, including an unwillingness to prosecute by troop contributing countries, flawed selection of troop contributing countries based on judicial capacities, insufficient enforcement of agreements, deficient policy implementation, and lacking UN oversight. The paper suggests a way of addressing these challenges could be achieved through the implementation of robust information systems and rigorous enforcement of outcome-based contracts.

Keywords: United Nations, Peacekeeping, Sexual exploitation and abuse, Troop contributing countries, Impunity, Accountability, MINUSCA, MONUSCO, Legal Pluralism, Agency theory, Principle-Actor theory

Words: 9992

Acknowledgements

I would like to express my sincere gratitude to my supervisor Manuel Galvis for his invaluable insights, expertise, and guidance with this project. Manuel's commitment has been highly significant in conducting this research. Furthermore, I would like to direct thanks to Lund University and the Faculty of Social Sciences for providing useful resources, and for everything I have had the privilege to learn throughout the years.

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Abbreviations

Abbreviation	Definition
AU	African Union
CAR	Central African Republic
DFS	Department of Field Support
DRC	Democratic Republic of Congo
MINUSCA	Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSTAH	United Nations Stabilization Mission in Haiti
MISCA	International Support Mission to the CAR
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NGO	Non-Governmental Organization
OIOS	Office of Internal Oversight Services
PKO	Peacekeeping operation
SEA	Sexual Exploitation and Abuse
SOFA	Status of Forces Agreement
TCC	Troop Contributing Country
UN	United Nations
UNMIL	United Nations Mission in Liberia
UNMISS	United Nations Mission in South Sudan
UNSC	UN Security Council

1 Introduction

In today's society, conflict could be considered to be ubiquitous. However, as time has gone by, measures have been taken by the international community to try to limit the damages of conflict. One such measure came in 1948 when the United Nations Security Council first authorized a contingency of military observers in the Middle East; the beginning of the United Nations Peacekeeping (United Nations Peacekeeping, n.d.). Despite the missions aim to consolidate peace and the protection of civilians, continuous reports of sexual abuse by peacekeepers have emerged (UN, n.d.). The United Nations (UN), an organization who's main purpose is to do everything possible to protect those most vulnerable, facing allegations of sexual abuse and exploitation goes against the very core of peacekeeping. Over the years, the UN has made efforts to try to combat this grave organizational problem. Unfortunately though, there seem to be little consequences for those alleged to have committed sexual crimes during missions.

1.1 Background - MINUSCA and MONUSCO

1.1.1 MINUSCA

During the first decade of the 21th century, the already struggling Central African Republic (CAR) faced a resurgence of violence and internal fighting. Several rebel attacks put in place the forceful removal of then President François Bozizé (Setyawati, Risman & D.W., 2020:441). The crisis led to thousands of casualties and, as of 2014, more than 650,000 people were internally displaced, and 290,000 people were forced to flee to neighboring states (MINUSCA, n.d.). In 2013, the UN Security Council (UNSC) authorized the International Support Mission to the CAR (MISCA), led by the African Union (AU). While the mission proved necessary in hindering civilian casualties, the magnitude of the crisis exceeded the capabilities of the mission. As a result, the Secretary General proposed in a report (S/2014/142, 2014) to the Security Council that a comprehensive UN peacekeeping mission ought to be employed, with the protection of civilians as its highest priority (MINUSCA, n.d).

The mandate of the UN mission would include the safeguarding of civilians, ensuring the safety and liberty of movement for UN personnel and assets, aiding in the political transition and the restoration of state authority, developing secure conditions for humanitarian aid delivery, defending human rights, facilitating national dialogue, aiding in the the

voluntary return of displaced persons and refugees, mediation, and reconciliation efforts, and supporting the disarmament, demobilization, and reintegration of former combatants, alongside community violence-reduction initiatives (MINUSCA, n.d). The establishment of the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) through resolution 2149 (2014) was further extended until 2020 which enabled an increase in military personnel from 10,000 to 11,650 and police personnel from 1,800 to 2,080 (Setyawati, Risman & D.W., 2020:447).

However, despite the intention to prioritize the protection of civilians, the mission has faced a large amount of allegations of sexual exploitation and abuse (SEA) perpetrated by its personnel. Between 2015 and 2024, 277 allegations have been made against UN-MINUSCA personnel, and the total number of identified alleged perpetrators amounts to 761. The number of identified victims within the same time-span amounts to 735, with nine victims already identified in 2024 (UN, 2024). Out of the 277 allegations, 73 have been considered substantiated with 56 leading to the final action of jail (UN, 2024).

This entails that the percentage of identified perpetrators who are later sentenced to jail is at 7.8%, and the amount of allegations which are later considered substantiated is at 26%. Important to note however is the relative success-rate in prosecuting individuals involved in substantiated allegations; which will be discussed further on. Of the total 1048 received allegations connected to all missions between 2010 and 2024, allegations related to MINUSCA amount to 26% of that (UN, 2024).

1.1.2 MONUSCO

Much like MINUSCA, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) assumed responsibility from a previous peacekeeping operation, the United Nations Organization Mission in Democratic Republic of the Congo (MONUC) (MONUSCO, n.d). In the wake of the Rwandan genocide, a mass immigration of Rwandanese Hutus into the region of Kivu in eastern Democratic Republic of Congo (DRC) ensued (MONUSCO, n.d.). Between 1.72 and 2.1 million Hutus emigrated, with an estimated 1.25 million people fleeing to Congo. While the mass immigration should not be seen as the sole explanation for the violence in the DRC, it should be seen as an destabilizing factor. The surge waves of the genocide can be seen as a ‘spillover effect’ into the DRC (Clark, 2011:366-367)

Led by Laurent Désiré Kabila, and with the support of Rwanda and Uganda, forces deposed the then President Mobutu Sese Seko. Intra-state violence once again ensued in 1998

when rebel forces initiated a rebellion against President Kabila. After the UNSC called for a ceasefire and an agreement was met between the DRC and five other regional states, MONUC was formed through resolution 1279 (MONUSCO, n.d.).

After 11 years the mission was renamed MONUSCO through resolution 1925 (2010) and was now authorized to carry out its mandate through all necessary means. The mandate included the protection of civilians, personnel of humanitarian aid organizations and activists who were facing impending danger of physical harm. The mandate also included support for the DRC government and its efforts in peace processes and consolidation. The uniformed staff of the mission was decided by the UNSC to be a maximum of 22 016 personnel (MONUSCO, n.d).

Again, a mission with the mandate partly focused on the protection of persons has faced numerous allegations of SEA. Between 2010 and 2024 there have been a total of 350 allegations made against MONUSCO personnel and 444 identified alleged perpetrators (UN, 2024). The number of recorded victims adds up to 403 where 84 of the allegations have been considered substantiated and with a total of 19 actions of jail (UN, 2024).

Of the amount of allegations made against MONUSCO personnel, 24% have been considered substantiated and the amount of identified alleged perpetrators who are sentenced to jail is at 4.2%. Of the total 1048 SEA allegations spanning over multiple missions, the ones connected to MONUSCO make up 33% (UN, 2024).

1.2 Purpose and Research Question

The purpose of this paper is to examine what factors could explain and/or enable impunity and a lack of accountability for perpetrators who commit acts of sexual violence in the capacity of being peacekeepers. The objective of the research is to highlight possible gaps in the mechanisms of handling acts of SEA when crimes are committed within international interactive frames. To analyze and evaluate current measures and mechanisms, this paper employs a comparative case study of the two missions with the most reported allegations. Each case will be analyzed and presented in its context as UN missions, and embedded units of analysis will be further explored and compared. To achieve the purpose, this paper aims to answer the following research question:

- What factors, stemming from the relationship between Troop Contributing Countries and the UN, could enable and/or explain impunity and a lack of accountability of peacekeeper perpetrated sexual crimes during UN missions?

1.3 Previous research

The apparent oxymoron of staff, employed by an organization advocating for security and peace, committing acts of sexual violence during peacekeeping missions has sparked much academic work. It is no wonder that many scholars have attempted to conceptualize this phenomenon due to its contradictory nature. Even though much previous research differs in their core topics, most agree that there is a fundamental institutional problem present. One topic often discussed is the amount of measures that the UN, in accordance with themselves, ought to implement at the occurrence of claims of sexual violence. The main problem lies in the deficient implementation of such measures (Freedman, 2018:964). Kent (2005) highlights the failure to hold those responsible for sexual exploitation and abuse to account, potentially fueling greater discrimination and violence. However, research often recognizes that the UN, as well as other international organizations, have made substantial headway in recognizing SEA during the beginning of the 21th century.

Examples of such improvements include Resolution 1325 (2000) on Women, Peace and Security, and Resolution 1820 (2008) on Sexual Violence in Armed Conflict. Recurring commentary is however the limited impact this has had on decreasing SEA (Ndulo, 2009: 143; Odello & Burke, 2016: 841; Smith, 2017: 408). While most scholars argue that SEA perpetrated by UN Peacekeepers is a problem, some make it a point to clarify how insignificant it is to single out specific states, and in a sense displace responsibility away from the UN. Claiming that the issue is state-specific, or that the problem stems from inadequate training, is occasionally stated as not explanation enough (Ladley, 2005: 81; Ndulo, 2009: 130).

Accountability and impunity are also heavily researched topics. Some argue that a main reason for lacking accountability within international law is an inability, or reluctance, of national jurisdictions to properly prosecute their nationals in the capacity as offenders (Ladley, 2005: 83; Meron, 2018:434; Smith, 2017:408). Additionally, one topic often associated with a lack of accountability is immunity. UN personnel acting in official capacity during peacekeeping operations (PKO) operate under the immunity from detention of the host state (Smith, 2017: 408) which in itself has been problematized by various authors. Due to

the fact that the UN cannot prosecute, but rather lift an immunity in the case of a substantiated allegation, as well as the fact that, in comparison to waiving diplomatic immunity, host states do not possess the same leverage connected to immunity of peacekeepers (Ladley, 2005: 82; Freedman, 2018:966). The UN's zero-tolerance policy for SEA is often described as a form of castle in the air, which while good in theory, does little for actual accountability (Smith, 2017: 414; Odello & Burke, 2016: 848).

A common denominator of previous research on SEA during missions is the problematization and description of a recognized problem. However, a gap that has been recognized is the lack of theoretical connection to the problem. Authors have focused heavily on either specific or general parts of the phenomenon but often without theoretical affiliation. While some scholars draw on feminist definitions of central concepts such as impunity, (Karim & Beardsley 2016; Grady 2010) and some use a more legal framework in their criticism (Freedman, 2018; Ladley, 2005), more theoretical analysis could generalize the phenomena in the context of international organizations and international law.

Overall, the literature on SEA by UN peacekeepers emphasize the need for continued efforts to prevent, detect, and respond. It also underscores the importance of understanding the social, cultural, and institutional factors that contribute to the continuation of SEA in peacekeeping operations. This paper aims to incorporate a law-based theoretical framework consisting of Legal Pluralism and Principle-Actor Theory to further investigate the institutional aspects of the UN and the interplay between the organization and states, which could explain the occurrence of impunity and a lack of accountability.

2 Theoretical Framework

The main focus of this paper is the institutional operations of the UN and its members and partners, and the way in which this affects the prosecution of sexual violence. The paper is also concerned with what implications the exclusive jurisdiction of TCCs could have on said process. Due to the scope of the research it is crucial to establish a clear theoretical framework from the below stated theories. Both agency theory and legal plurality have been used in different contexts and they have been interpreted differently by scholars. This paper aims to examine what factors could explain impunity and a lack of accountability. One way of examining this is to see what the UN and troop contributing countries have pursued in regards to sexual abuse during missions as well as what legal mechanisms are in place in such instances. In addition to the chosen theories, there are some key concepts which will be addressed throughout the paper.

2.1 Legal Pluralism

'Legal Pluralism' is defined as multiple legal instances coexisting within a society (Swenson, 2018:438). The theoretical framework of legal plurality addresses the differences between these types of legal systems and how they act when forced to coexist (Swenson, 2018:438).

2.1.1 International Pluralism

One of the more recent fields within legal plurality studies includes transnational legal plurality. This encompasses more classic forms of international law which addresses such as commerce, migration, and the internet. This also includes international organizations such as the UN which possess legal functions (Tamanaha, 2021:129). Global or transnational legal pluralism is often discussed in regards to managing competing jurisdictions, choice of law and conflicts of law, as well as the role of non-state legal or regulatory orders as sources of law or effective regulation that can complement or offer alternatives to official law (Tamanaha, 2021:153).

One of the arguments raised in the literature of international legal plurality is the coexisting and cross pollination of different legal systems. They are shaped and formed by each other through social and legal norms (Tamanaha, 2021:158). In jurisprudence however, lawyers and judges are unlikely to follow this theoretical mapping of legal plurality. The discussion of what constitutes 'law', and theoretical discussions are more seldom than often the basis of judicial analysis (Tamanaha, 2021:166). Another vital aspect of international

legal pluralism is the manner in which scholars discuss its success rate. Tamanaha (2021:166) emphasizes that while plurality can be beneficial for the sake of broadening or adapting jurisprudence, the success of the cooperation is dependent on the satisfaction of involved parties.

Critics of the international pluralist theorem have stated that one of the pitfalls of its usage is that it risks becoming too descriptive. By examining the complex interplays of national and international institutions, one has to be cautious to not forget critical examination of the same institutions. One of these critics is Martti Koskenniemi who has stated that while legal pluralism might be descriptive right, its practical purpose can be questioned (Tamanaha, 2021: 167). On the other hand, legal pluralism can give insight into the multifaceted nature of the concept. Transnational legal pluralism is increasing, and by theoretical mapping one could, in response to the criticism presented by Koskenniemi, establish a practical purpose and address possible challenges (Tamanaha, 2021: 167).

2.1.2 State-Centric Pluralism

When discussing the concept of law, there is one definition that might be the more common one to the general public. This would be that the law stands as cooperative, hierarchically structured, anti-competitive, and holds authority over other legal orders within society (Tamanaha, 2021:6). A criticism of this is then a form of state-centric legal pluralism. One of the arguments for existing legal pluralism within state borders is that native customs and laws should be considered. Postcolonial states have started to reexamine indigenous groups' right to expression of customs and laws. This is something which has been adopted in the international sphere as well as through for example the UN Declaration of the Rights of Indigenous Peoples (Tamanaha, 2021:100).

There is also in many states the occurrence of religious law and tribunals. One such example is Beth Din of America, a rabbinical court, which applies jewish law within the American legal system, thus creating a form of plurality (Tamanaha, 2021:117). Within this argumentation of multiple forms of law existing within a state comes the question of definition of the term 'law'. One such definition is taken from a normative perspective on law. Otis (2023: 2) explains the concept of normativity in this context as the "co-existence of State and non-State legal systems in the same space, in respect of the same subject matter, for the same population". Some critics of this normative perspective have claimed that the concept of 'law' has become almost synonymous with social norms. In that case, the analytical function of legal plurality comes into question. By this argument, some scholars

have posited that the word 'legal', or 'law', becomes obsolete since it is synonymous with social norms. However, this viewpoint is not widely accepted (Otis, 2023: 4). Some scholars have argued against this form of legal pluralism on the basis that it unnecessarily incorporates a judiciary framework in analyzing normative spaces (Otis, 2023: 4).

The more state-centric aspect of legal plurality is in this case less relevant than the international perspective. This paper will also attempt to aid in the tactical purpose of the theory, rather than only using it for explanatory purposes, by examining the institution of the UN from not only an institutional perspective, but as an actor engaged in interplay with various other actors as well. The criticism within legal plurality will also act as an analytical tool in explaining possible factors which could enable impunity and a lack of accountability. The research in this paper will thus use the transnational/international definition of legal plurality presented by Tamanaha.

2.2 Principal-Actor Theory

The aspect of impunity within legal plurality could then be further explained through Principal Actor Theory or Agency Theory. The theory in its most basic form entails that there exists a principal delegating work to an agent. The theory aims at understanding and examining organizational structures through this relationship, and addresses two main issues that can emerge from this relationship between agent and principal. The first is when the goals of the principal differ from that of the agent, and the second is issues that emerge when it is too expensive or difficult for the principal to verify that the agent is performing its designated task (Eisenhardt, 1989: 58).

Eisenhardt (1989:61) explains that the model in its simplest form could be divided into two types of cases. The first being when the principal is aware of what the agent is doing and is accepting it and the second is a case where the principal is not aware of exactly what the agent has done/is doing. Within the theory there are two main agency problems; moral hazard and adverse selection. Moral hazard entails a negligence of the agent to perform designated tasks. Ergo, the agent does not put the effort into the delegated task which was initially expected. Adverse selection is when the ability of the agent is misinterpreted by the principal. This misinterpretation is then enforced by the principal's inability to verify the agent’s capabilities.

2.2.1 Positivist Agency Theory and Principal- Agent Theory

Within the theory, there are two main schools of thought; positivist agency theory and principal- agent theory. While the two categories within the theory share similar traits as the ones stated above, they differ in usage of mathematics, manner and dependent variables (Eisenhardt, 1989:59). The positivist strain is less mathematically inclined and focuses instead on the differing goals of the principal and the agent. In solving governance problems within organizations, positivists suggest outcome-based contracts as well as information systems put in place to interfere with actions of self-interest (Eisenhardt, 1989: 60). The principal-agent theorem is more general than the former. It is more applicable to various types of relationships within organizations while the positivist strand is more focused on the relationship between owners and managers at large corporations (Eisenhardt, 1989: 59,60). While the two schools differ from one another, they could be considered complementary. By both examining the various contracts through positivism and their efficiency, through different variables, in accordance with principle-actor (Eisenhardt, 1989: 60), the simple model of organizational coexisting could be explored further.

In regards to principal- actor theory/agency theory, they can, as stated above, be employed as complementary theoretical strands to each other. The usage of Agency Theory could contribute to further theoretical research of the topic of this thesis. As Eisenhardt (1989:64) states, there is a common trait within organizational research that is largely topical, rather than theoretical. By incorporating Agency Theory there is a chance for cross pollination of ideas and research between different fields (Eisenhardt, 1989: 64) which might fill research gaps in the study of the UN as an international organization and principal.

2.3 Key Concepts

2.3.1 Impunity and Accountability

The concept of impunity has evolved and exhibited transformations over time. It has been defined as the inability to de jure, or de facto, hold perpetrators accountable for their actions (Krähenmann, 2018: 34), as first coined by Louis Joinet in a 1996 report to the SubCommission on Prevention of Discrimination and Protection of Minorities (Vinuales, 2007: 117). This definition was then revised to not only include punishment, but also reparations for victims. This then prompted the discussion of whether or not impunity could/should apply to situations of punishment without compensation, or vice versa (Vinuales, 2007: 117). While Vinuales (2007:121) points to the vagueness of the

phenomenon, and argues that there are possible gray areas in the definition, the author still recognizes that the term has been deemed distinctly legal and has become so ubiquitous that the terms meaning ought to be considered evident (Vinuales, 2007: 116).

The term impunity is also frequently used when discussing the 'impunity gap'. The phenomenon of the impunity gap entails an acknowledgement of a fundamental problem of impunity. Amnesty International (2009:10) addresses the existence of a global impunity gap where, among perpetrators who have committed crimes against international law, only a handful have been prosecuted in either national or international courts. One line of reasoning in the explanation of the concept of impunity is that states exhibit an unwillingness to prosecute acts that fall under international law (Ellis, 2006: 112). Ellis (2006:113) states that this interpretation of the impunity trend can be derived from, what the author claims is, a missguided perception that a choice has to be made between the pursuit of justice and the pursuit of peace.

If one were to try to narrow down what Vinuales claims to be a vague definition of such a well researched and discussed topic, it would be useful to limit the discussion to a specific context and/or category of crimes. Houge and Lohne (2017, 756) claim that during the 21th century, the fight against sexual violence related to conflicts has become synonymous with the fight against impunity. In this context, impunity is described as a culture, in regards to sexual war-time crimes, and the way to combat this is to end impunity for a deterring effect (Houge & Lohne, 2017: 777). In the context of sexual violence, some therefore claim that there exists a symbiotic relationship between conflict related sexual violence and a lack of criminal responsibility (Houge & Lohne, 2017: 771).

This paper will employ a mixed definition which will both include the more basic elements of the inability to hold perpetrators accountable for their actions, as well as the definition of the impunity gap/trend provided by Ellis. This paper does not aim to explore deterring factors for sexual violence, but to explore factors that in themselves enable impunity.

On the opposite side of the spectrum from impunity, is accountability. Mulgan (2000) argues that the term can be interpreted in many different ways but that one definition which is widely accepted is the process of being called to account to an authority for one's actions (Mulgan, 2000: 555). This definition ecompasses multiple internal aspects which make up the phenomenon. There exists external accountability to a body which is not the one being held accountable, interactions between these two entities where one seeks remedy and the other

faces responsibility and consequences, and it includes a ratification of authority for the body calling for account (Mulgan, 2000: 555).

To follow up on Mulgan's argument of a rather diffuse definition of the term, it is again beneficial to narrow the scope to try to gain some clarity. King (2013, 127), when arguing about the value of accountability, relies on Marc Bowen's definition of legal accountability. It is nearly identical to Mulgan's definition, but Bowen adds to Mulgans argument of the term's diffuseness and claims that legal accountability is the most unambiguous type of accountability. King (2013, 127) does however argue against Bowen in the sense that unambiguity cannot be claimed on the sole basis of the resort to courts. Legal accountability encompasses many further important attributes such as an individual's right to petition for redress, fair adjudication, adjudicators alignment to legal standards, remedies for addressing grievances, and finally that the decisions reached by adjudicators are final but also if necessary, that they should be made the subject of appeals (King, 2013:127).

The concept of accountability in this paper will lean on the generally acknowledged definition stated above while utilizing King's important attributes to further assess legal mechanisms and systems.

2.3.2 Sexual Exploitation and Abuse

SEA can be seen as an umbrella term which encompasses a variety of behaviors and actions related to the exploitation or coercion of others for sexual purposes. The UN has employed the definition of sexual exploitation as the attempted or actual abuse of a position of vulnerability, power or trust, including monetary, social or political profiting from the sexual exploitation of another person. Sexual abuse is defined as the actual or threatened sexual physical intrusion of another. This includes acts committed by force, and or under coercion or unequal conditions (ST/SGB/2003/13, 2003).

This definition would then also include, but not be limited to, instances of domestic abuse, commercial sex trafficking, rape, sexual solicitation, with more. For the purpose of this paper, the definition employed will be the one officially recognised by the UN. This due to the fact that it is an appropriate benchmark when studying the way the organization manages and addresses instances which would fall under said definition.

3 Methodology

3.1 Case Study

A case study is, as George and Bennet (2005:79) describes it, a study of a subclass of a general phenomenon. A further explanation of this definition is given by Yin (2014:16) who states that in addition to the study of a contemporary phenomenon, a case study does so in depth within the context of a practical setting. Furthermore, case studies rely on diverse evidential sources in order to enable the study of phenomena within context (Yin, 2014:17).

Case studies can have characteristic variations, for example in regards to the amount of cases included (Yin, 2014:18). One such variation is the comparative case method. The comparative method entails a study of multiple scenarios within a contextual framework which then are analyzed comparatively (Agranoff & Radin, 1991:204). By using multiple cases comparatively as a research method, it might aid in identifying common themes and variables (Agranoff & Radin, 1991: 205). While some scholars and research fields separate single and multiple case studies into two different methodologies, Yin (2014:56) argues that they could be considered to constitute different forms under the same methodology.

Both variants could be considered having differentiating strengths and weaknesses. Evidence of a case study which includes more than one case is "often considered more compelling, and the overall study is therefore regarded as more robust" (Yin, 2014:57). This is however highly dependent on the purpose of the research. If the purpose is to conduct research on a very specific or extreme case, a multiple case study might not provide satisfying or relevant results (Yin, 2014:57). If one were to conduct research on an extraordinary case, a single case study might be more appropriate. One possible risk with the method is however that it might lead to misrepresentation if the researcher fails to conduct thorough enough research (Yin, 2014:52,53). At the same time, multiple case studies require much more extensive research in order to be sufficiently implemented, something which is not as pressing of an issue within single case studies (Yin, 2014: 57). However, as explained further on, this paper aims to explore similar patterns and results, which makes a multiple case study more applicable. The paper aims to identify possible factors that could enable or explain impunity and a lack of accountability of sexual exploitation and abuse during UN missions; a question which demands possible identification of common themes and variables.

Within multiple case studies, it is common to follow a design of replication. This can be compared to the same methodology employed during experiments. To ratify a result, it is

in the researcher's best interest to investigate whether the findings can be replicated; contributing to the results 'robustness' (Yin, 2014:57). When selecting the cases within the study, they must be chosen carefully so that it either predicts similar results or contrasting results; literal replication or theoretical replication, respectively (Yin, 2014:57). The 'simplest' form of multiple case study is one constructed of two or more cases which are believed to be replications of each other. By doing this, the focus is being put on explaining why similar outcomes occur (Yin, 2014:62).

This paper has employed the method of embedded multiple case design. This entails the usage of multiple cases within a context and includes various embedded units of analysis (Yin, 2014:50). (See Figure 1)

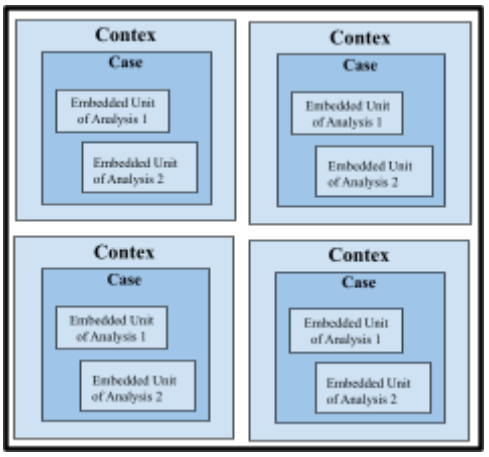

Figure 1 (Yin, 2014:50)

The broader context of the study is thus the UN and sexual violence by peacekeepers. This then includes organizational policy, procedures, and external influencing factors etc. The cases used in this study will be two UN missions which are in line with the literal replication methodology. By examining two cases which inhibit similar results in prosecution, statistics regarding victims and allegations, etc, the research is better delimited to explaining why similar outcomes occur. Furthermore, within the cases of UN missions, the paper examines several units of analysis that could contribute to impunity and/or a lack of accountability; including cases of SEA, legal mechanisms, legal responses to allegations by troop contributing countries, and more.

3.2 Case Selection

As previously stated, the cases studied in this paper are two separate UN missions. 'Separate' in the context of this study entails that the cases are two distinct missions not conducted within the same geographical area. The cases have however been selected due to similar units

of analysis; in line with the replication methodology. When selecting which two cases to place within the broader context of the UN, this paper aims to explain similarities that could further explain the occurrence of impunity. In determining which cases are most appropriate to compare, data on units of analysis such as number of cases, victims, alleged perpetrators, and final actions taken, collected from the UN database on conduct in UN field missions (UN, 2024), have been compared. Another contributing factor for the case selection is due to the limitations associated with the research. Apart from official data sets and some academic research, it is difficult to gather empirics on specific cases of SEA and the specific judicial efforts made. Due to this limitation it is beneficial to incorporate more than one case to broaden the pool of empirics. The two cases this paper compares are MINUSCA and MONUSCO.

Of the 35 missions which have available data from the database, MINUSCA and MONUSCO are the two missions with the most tangible data. While missions such as the United Nations Mission in Liberia (UNMIL) have available data over approximately the same time span, as well as statistics similar to the mentioned missions, the amount of cases embedded in MINUSCA and MONUSCO provide valuable insight to the problem of SEA committed by peacekeepers. Cases which do not show the same statistics in regards to substantiated allegations or perpetrators sentenced to jail are often cases which were active a short amount of time or where data on allegations and perpetrators is virtually non-existent. And of the missions which do have available data, there are no indications of drastically differentiating outcomes in regards to impunity or a lack of accountability. Both missions also have data within the time span between 2010 and 2015 which is beneficial due to the more comprehensive information made available due to a reconciliation of data between the Department of Field Support (DFS) and the Office of Internal Oversight Services (OIOS) carried out in 2013 (UN, 2024). The process of case selection will be further outlined in the following section.

3.2.3 Literal Replication

By employing the method of literal replication through a comparative multiple embedded case study, consistency in how data is assessed and evaluated between both cases is ensured. This consistency promotes an accurate comparison between MINUSCA and MONUSCO, limiting the possibility for partiality or misreadings. This paper aims to examine impunity and a lack of accountability related to SEA during UN missions and thus makes the assumption that there exists a pattern of similar outcomes, based on previous research. By assessing the

data regarding the two cases, the percentages presented above could be considered similar in nature. In the context of the method employed in this paper, they are both cases within the same context with similar embedded units of analysis which are comparable.

If the allegations of both cases are added up (627 allegations), they make up 59.8% of the total of allegations received in all peacekeeping missions between 2010 and 2024. Both cases studied individually make up a large portion of the total allegations and combined they make up the majority of allegations. This entails that they are both significant objects of analysis when studied separately within the specific context, but also that they are relevant objects of analysis in regards to a multiple case study with literal replication.

Apart from the statistical data, there are other aspects of the cases which makes them relevant for a replication case method. Both MINUSCA and MOUNSCO operate in complex environments affected by political instabilities, prevailing violence and humanitarian emergencies. Similar operational circumstances makes the two cases comparable in a meaningful way since it provides homogenous backdrops for the analysis. Another relevant similarity is the focus of the mandates. Both missions place heavy focus on the protection of civilians which also makes them interesting objects of analysis due to the dichotomy of intention versus outcome. The implications of comparing MINUSCA and MONUSCO in regards to policy and practice are that it might inform decision-making, policy formulation, and operational planning in other peacekeeping missions. By identifying resemblances between the two missions, important lessons of improving effectiveness, efficiency and accountability might be drawn.

The limitations of the research that have been previously mentioned in regards to limited data on specific allegations and cases will be eased due to the large amounts of data between the two missions chosen since it opens up a larger pool of empirics. Apart from case-specific information, there is an abundance of research, reports, and documents that can support the analysis. This enables the comparison between MINUSCA and MONUSCO to become more feasible and robust. The objective is to reach an understanding of why the outcomes of SEA allegations are notably afflicted by impunity, and thus a comparison of two cases with a wealth of available data will only aid in the explanation without being hindered by a lack of information. Important to mention however is that while the cases could be considered similar, they ought not to be considered precise replicas of each other. Both missions have faced substantial amounts of allegations but when analyzed further, some key differentiating factors, which will increase the comparison's effectiveness, present themselves. These will be disclosed further in the analysis.

3.3 Data Collection and Material

This paper employs both qualitative and quantitative data in order to create a sufficient analysis of the research topic. Even though the material could be considered to be both qualitative and quantitative, the method of collection is equivalent. No original data will be collected and the paper relies on already existing data in its analysis. The quantitative data consists mainly of the statistics gathered from the UN dataset regarding conduct during missions. While the data is interpreted in order to motivate and determine the cases which will be the objective of analysis, no primary data on SEA will be gathered. This due to material being classified or not available within the frames of this paper. The findings from the quantitative data will also serve an explanatory purpose in order to draw conclusions of conduct and policy. The quantitative method of analysis of the data could thus be described as descriptive statistics where summary statistics have been computed to identify and describe conduct during mission. This is then used in a comparative analysis in regards to another mission as well as all missions in general in order to gather an understanding of conduct.

The qualitative data used in this paper consists of academic articles, official UN documents, papers which address relevant theoretical frameworks, and newspaper articles/NGO papers that might give a more nuanced perspective than that of official reports. By using a broad spectrum of qualitative data, it enables the research to become more nuanced and objective; limiting the risks for misinterpretation. Previous research which has addressed SEA by peacekeepers will not only serve as empirical data on the missions, but also as a foundation for theoretical connection. Official UN documents, which includes resolutions, conventions and statements, will serve the purpose of seeing what ought to be done in the instance of SEA during missions, in comparison to what then is actually done. It might also aid in seeing if there are any changes in trends over the years which will be examined in terms of policy. The usage of reports from non-governmental organizations (NGO) and news articles both serve as empirical sources on specific missions, but also as a form of antithesis to official sources directly connected to involved parties. The qualitative method of analysis employed in this paper could be described as a content analysis where the chosen documents are analyzed to understand perspectives, arguments, and evidence presented regarding SEA by peacekeepers and related policies. Once again, a comparative analysis will also be employed. By comparing and contrasting different sources, such as UN

documents and reports by NGOs, a more comprehensive understanding of the topic is reached.

4 Analysis

4.1 The UN on SEA – A Timeline

One of the first official documents published by the UN which address SEA in peacekeeping operations is the Secretary-General's Bulletin titled 'Observance by United Nations forces of international humanitarian law' (ST/SGB/1999/13, 1999). The document establishes the regulations of UN peacekeeping and the treatment of civilians in the affected states. In regards to the treatment of civilians, members of armed forces who have surrendered, and people placed hors de combat - outside of combat, the document precisely states that they shall be treated humanely. The bulletin further establishes acts which are strictly prohibited when committed against these groups. This is where a first glance of the UN's policy against SEA manifests and the prohibition of rape, enforced prostitution, and any form of sexual assault and humiliation and degrading treatment is recognized. The document also establishes the consequences of violation of international humanitarian law, which when committed by peacekeeping personnel entails prosecution in their national courts (ST/SGB/1999/13, 1999). International humanitarian law, which is applicable during and in regards to armed conflict, can largely be derived from the Geneva Conventions (1949), where the prohibition of SEA, or rather rape, enforced prostitution, or any form of 'indecent assault', is found in Convetion IV (1949), article 27. While the report addresses the prohibition of what today could be considered to be SEA, it is not given any particular attention, but is rather grouped with other breaches of international humanitarian law such as violence to life or physical integrity.

More substantial resolutions regarding SEA started to emerge in the beginning of the 21th century. In 2003, the General Assembly adopted resolution 57/306 (2003), following the consideration of the OIOS report on allegations of sexual exploitation and abuse in West Africa (A/57/465, 2002). The report called for the Secretary General and TCCs to hold personnel which have committed acts of SEA accountable. This led to the Secretary General proclaiming strict rules of conduct, prohibiting all forms of SEA during missions (ST/SGB/2003/13, 2003). In June 2005, the General Assembly adopted the resolution which consisted of a review of a strategy to eliminate future sexual exploitation and abuse (A/RES/59/300, 2005). The resolution calls for comprehensive guidelines on the issue of SEA during missions and makes reference to, among others, the report of the Special Committee on Peacekeeping Operations and its Working Group (A/59/19/Rev.1, 2005). Within the committee's report, sexual exploitation and allegations of misconduct during

MONUC is mentioned, and it states that the UN ought to handle these allegations with the utmost concern; “lest public confidence in the institution be undermined” (A/59/19/Rev.1, 2005). A statement which could be considered to be problematically focused on the institution's reputation, rather than ending impunity and creating accountability for victims.

One major effort in consolidating the fight against SEA during missions, was the report on protection from SEA for 2012 (A/67/766) which entailed the appointment of a team of experts employed to assess how four missions (MONUSCO, MINUSTAH, UNMIL and UNMISS) had addressed the occurrence of SEA (A/69/779, 2015). From that process, the Secretary General set out, in 2015, to outline proposals to strengthen the response to SEA. The measures in the report (A/69/779, 2015) included more efficient training and education in regards to what constitutes SEA, a well-functioning complaint and assessment mechanism, better preservation and recording of evidence, the creation of a ‘response-team’ employed to, if needed, aid in investigations by national investigation officers deployed by a TCC, creation of deadlines for investigation, and the regular notification to the Secretary General by the TCCs on the progress of cases (A/69/779, 2015). The report also emphasizes the importance of accountability and enforcement. One of the points raised is the call for member states to amend their national legislations to allow transnational jurisdiction when necessary, in order to strengthen accountability mechanisms (A/69/779, 2015).

One of the most recent developments is Resolution 2272 (S/RES/2272, 2016), which establishes a form of accountability measure in a case where a TCC does not take the appropriate measures to investigate, hold accountable, or sufficiently inform the Secretary General of the progress of its investigations and/or actions. In such cases, the Security Council urges the Secretary General to replace all members of the military contingency, and other personnel, from the TCC and appoint a replacement from a TCC which has proven to uphold standards of conduct in regards to the handling of SEA.

The measures against SEA by the UN has, throughout the plethora of documents, grown exponentially and has become more present throughout the years. One could assume that the increasing awareness and seemingly willingness to combat the issue should entail that the occurrence of impunity and a lack of accountability would showcase a declining trend. This is however not the case.

4.2 SEA in MINUSCA and MONUSCO

4.2.1 Substantiating Allegations

As showcased in Figure 2 and Figure 3, which compare the total number of allegations to the amount considered substantiated and later how many result in jail sentences. What stands out is undoubtedly the number of allegations directed towards UN personnel but what might be considered a bit peculiar however is the apparent close link between substantiated allegations and the amount of perpetrators who are sentenced to jail. In line with the paper's definition of

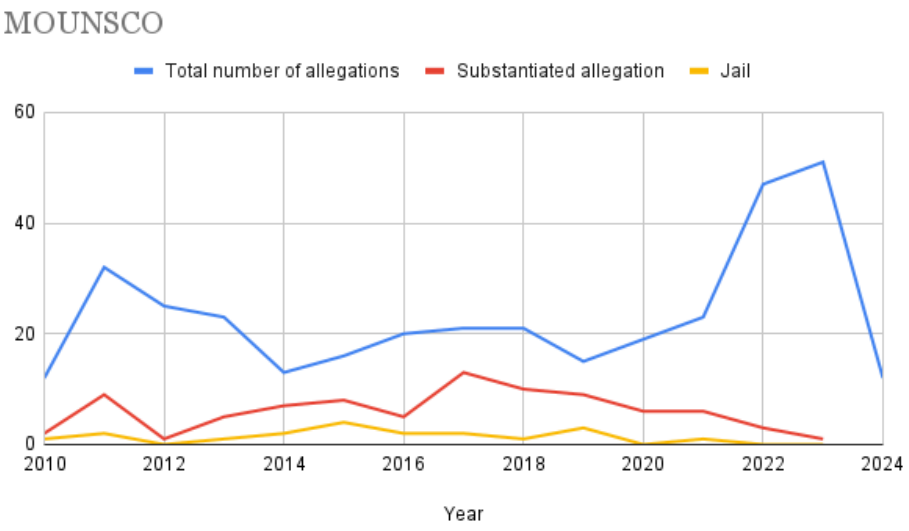

Figure 1: Total number of allegations, substantiated allegations & final actions of jail
Source: Conduct in UN Field Missions (UN, 2024)

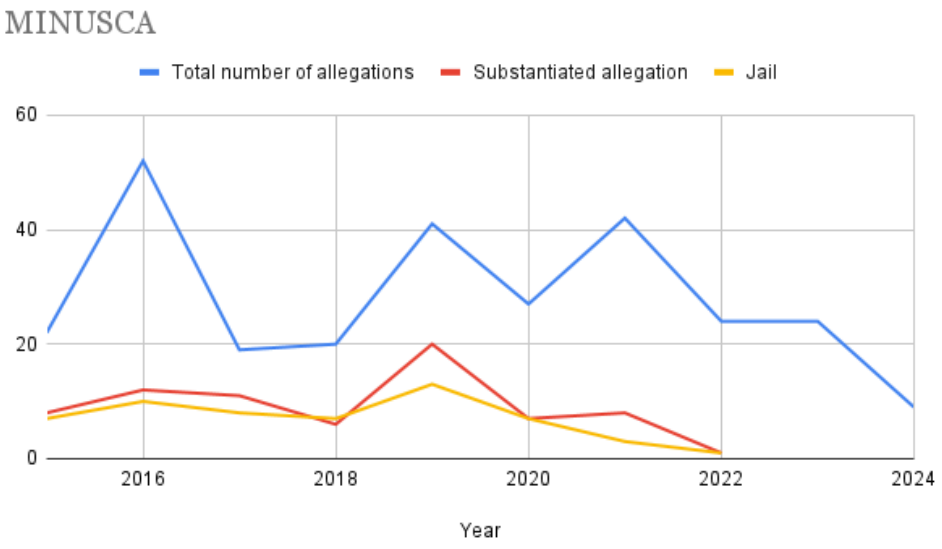

Figure 2: Total number of allegations, substantiated allegations & final actions of jail
Source: Conduct in UN Field Missions (UN, 2024)

impunity, a seemingly high success-rate in prosecution in relation to the amount of persons standing trial, might point to a lack of impunity, rather than its existence. It is however crucial to emphasize the chasm that still exists between the total number of allegations and the ones which are considered to be substantiated. For example, in 2012, there were 25 allegations directed at MONUSCO personnel, where one was later considered substantiated and no jail sentences were handed out. Important to note is that this claim is not diluted by a lack of data or pending investigations, the fact is that of the 25 allegations in 2012, the one substantiated allegation led to the case being dismissed (UN, 2024). It is inefficient to only look at the data and draw conclusions on impunity regarding SEA during peacekeeping missions. One has to look at the underlying and preceding factors which make up the final data. The global impunity gap discussed by Amnesty International (2009:10), where only a small percentage of perpetrators face prosecution, as well as the reasoning that states seemingly exhibit an unwillingness to prosecute their own nationals for acts under international law (Ellis, 2006: 112), could offer an explanation for this trend.

In regards to the number of substantiated allegations, TCCs have been known to try to obstruct the UN's investigations into allegations of SEA which makes the substantiation-process far more difficult (Kovatch, 2016: 173). That in combination with TCC's lack of willingness to prosecute, makes for almost a standstill. The claim that states exhibit an 'unwillingness to prosecute' might seem harsh or even loaded, but when analyzing specific TCCs, the claim gains footing.

4.2.2 Aversion to Prosecute

The TCC which has faced the most allegations in MONUSCO is South Africa (UN, 2024). According to the World Justice Project Rule of Law Index (2023), which evaluates 142 countries and jurisdictions around the world, South Africa is globally ranked 56, and on the scale from 0 to 1, gets an overall score of 0.56, which is above average. It also ranks above average more specifically in regards to both civil and criminal justice. Within criminal justice there are a number of subsections whereas one is concerning the effectiveness of the investigative system. Here, South Africa scores below the global average of 0.43 and gets the score 0.38. Furthermore, among the 28 substantiated allegations which concerned South Africans, only two resulted in jail sentences (UN, 2024). South Africa has a major problem regarding violence against women and children, and in 2023 it was ranked top six of the countries with the femicide rate (Human Rights Watch, 2023). In regards to impunity, data has shown that only one in six reports actually reach court proceedings, and with a conviction

percentage of six (Kovatch, 2016:167). Thus, the roadblocks during the investigation process, in combination with scarce convictions regarding SEA are two main factors contributing to impunity.

The TCC which has faced the second most allegations during MONUSCO is Tanzania. Out of the total 25 allegations, including 44 alleged perpetrators, eight were later considered substantiated with one final action of jail (UN, 2024). Tanzania is globally scored 98th, overall scores a 0.47 on the scale of 0 to 1 and is considered over the regional average which is 0.46. The country also scores a 0.47 on civil justice, but only a 0.37 on criminal justice. In regards to the effectiveness of the investigation system, Tanzania scores a 0.38, compared to the global average of 0.43 (World Justice Project, 2023). One could argue that Tanzania is not sufficiently equipped or able to investigate crimes, which begs the question of the state's suitability for peacekeeping operations.

By considering the standards of conduct and oversight presented by the UN, in relation to the lacking accountability, one could consider Eisenhardt's (1989:61) argument of adverse selection and moral hazard. In the example of South Africa, a state which ought to be able to handle cases of SEA nationally, one could argue that it is a case of moral hazard where there exists a negligence of the agent to perform designated tasks. It is not the misinterpretation of the principal of the agent's abilities that falters the cooperation. The two main issues of the principal-agent relationship (Eisenhardt, 1989: 58) could be discerned in this particular relationship. The goals of the UN, to increase accountability and combat SEA, appears to differ from the TCC's, and while it might not be too expensive for the UN to verify that the TCCs are performing their tasks, it might prove difficult if there is a trend of unwillingness to prosecute in the first place. In regards to Tanzania, it would be more fitting to consider adverse selection. However, if one were to look at the Rule of Law Index from 2015, when Tanzania was employed into MONUSCO, similar statistics as presented above emerges (World Justice Project, 2023). If this paper is able to discern Tanzania's judicial abilities, it is not unfounded that an organization such as the UN should have been able to do the same before hiring the state as an TCC.

If instead the same analysis were to be conducted on the state which has faced the largest number of allegations in MINUSCA, Cameroon, the results might differ. Cameroon is globally ranked 132, scores 0.35 overall on the index, 0.4 on civil justice, and 0.24 on criminal justice (World Justice Project, 2023). Discrimination against women is also highly prevalent in the country; in both social life as well as embedded within the legal system (Human Rights Watch, 2022). However despite this, the national government has executed 32

final actions of jail with 31 substantiated allegations (allegations can involve multiple perpetrators) (UN, 2024). This then speaks against the belief that governments with weaker judicial systems would be completely unable to prosecute their nationals, indicating that the problem in large lies in the TCC's unwillingness. The means of procedure is entirely up to the TCC. They are obligated to investigate and prosecute crimes of SEA and the role of the UN is limited to administrative investigations, and only if the TCC neglects to pursue within ten days of an allegation being delivered to its authorities (Freedman, 2018:969). Which would direct focus back on the UN and its oversight mechanisms.

The TCC which has faced the second most allegations during MINUSCA is Gabon. Gabon is a very interesting case in the context of SEA and measures taken against the TCC. The more recent developments of the Security Council with Resolution 2272 can be seen in practice when the UN removed Gabon from peacekeeping in MINUSCA after allegations of SEA (Reuters, 2021). What is it then that made the UN withdraw gabonese troops and not others? Gabon faced 32 allegations, with 177 identified alleged perpetrators, between 2015 and 2022, with only 2 being considered substantiated in 2016 and 3 in 2019. Of those 5 substantiated allegations, 5 cases are pending and two final actions of jail have been executed (UN, 2024). Thus, Gabon seems to be a textbook example of a TCC which committed SEA, did not fulfill their judicial duties and then got expelled. From an outward perspective however it seems as though these recent allegations that got them expelled have made Gabon extremely compliant. The state's defense ministry stated that "Gabon has always demanded irreproachable and exemplary behavior from its army, both on its territory and abroad," (Al Jazeera, 2021). Regardless, this is a good example of the measures the UN is able to take against TCCs who do not adhere to proper conduct. Compare this with for example France, who after allegations of sexual abuse of minors, decided to drop charges against alleged perpetrators due to a lack of evidence (Al Jazeera, 2021). Resolution 2272 (2016) establishes the precedent of replacing troops from TCCs which do not investigate, hold accountable, or sufficiently inform the Secretary General of the progress of its investigations and/or actions. Gabon seems to have not done their due diligence, and appropriate measures have been taken. This does however not erase the fact that multiple states which have faced similar, or even more, allegations have been able to continue to serve under the UN.

4.2.3 Holding to Account

The more recent developments of the Security Council with Resolution 2272 has put in place some forms of rules of oversight and accountability measures. In practice, this can be seen

when the UN removed Gabon from peacekeeping (Reuters, 2021). With that said, by studying Figure 1 and Figure 2, there are no discernible deterring consequences on the data from 2016 and forward. Due to the organizational size of the UN, one ought to consider the learning curve and possible delays in practical application. However, with the implemented measures agreed upon by the Security Council, it would be epistemologically sound to assume that the data should in some sense reflect this to accurately measure their success rates.

Resolution 2272 (2016) could be connected to what positivist agency theory calls outcome-based contracts. These types of contracts aim to curb opportunistic behavior from the agent. The basic argument for the usage of these types of contracts is that they align the preferences of the agent and principal respectively (Eisenhardt, 1989:60). In the case of peacekeeping, the preference of the UN could be considered to be successful missions without cases of SEA which, as mentioned in A/59/19/Rev.1 (2005), emphasizes the will for public confidence in the institution to not be undermined. One preference of the TCC might be economic gain from contributing in the form of UN compensation payments. This argument is often placed in the context where the TCC is considered to be a developing state; which is often the case (Bellamy & Williams, 2012). The outcome-based agreement of replacing troops which do not adhere to the standards of conduct, subsequently harming the public's trust in the organization, and removing the compensation payments from the TCC, should according to the theorem limit opportunistic behavior from the agent.

This would however then only apply to those specific cases, and even so there are few occurrences where it has actually been implemented. A better alternative might instead be revised information systems. With the same premise of curbing opportunistic behavior, the agent is less likely to act in such a way if it is under the impression that the principal cannot be misled (Eisenhardt, 1989:60). Legal pluralism cannot be successful if it is only theoretical; it must have practical applications as well. TCC's who enter into a status of forces agreement (SOFA), open themselves to international obligations which must be followed through. Since the UN has agreements with a broad variety of states, a contract with a broad applicability must be put in place. A stricter information system, aiming to in a more assertive way ensure that TCC's uphold standards of conduct might be the best solution for a lack of accountability; both for the TCC vis-à-vis the UN as well as the perpetrators vis-à-vis their national judicial system.

5 Conclusion

Although the main purpose of UN peacekeeping missions is to enhance peace and protect civilians, crimes which constitute SEA occur repeatedly. While legislative and administrative measures have been put in place, this paper argues that these are not sufficiently employed to combat impunity and a lack of accountability. These findings suggest that more has to be done in order to fully address the problem of SEA committed by peacekeepers so as to not enable a culture of impunity and lack of accountability. This paper has, through Principal Agent theory/Agency theory, explored the relationship between the UN and TCCs and has identified several factors stemming from the relationship which can both explain and enable impunity and a lack of accountability.

By shifting the focus from individual actions taken, as well as the description of cases, a harsher critique of the UN as an institution emerges. This paper suggests that stricter oversight mechanisms are necessary to ensure that TCC's fulfill their duties in line with the rules of conduct. By examining the risks and pitfalls of international pluralism and the organizational relationship between agent and principal, one common denominator which seems to hold blame is the UN. That is not to say that TCC's which do not follow conduct, for various reasons, are without blame. However, the UN as the overarching organization, should be the main source of focus due to its power to ensure accountability and enforcement against 'rogue' TCCs. Proper selection of TCCs needs to be implemented and requirements in terms of justice to become a TCC have to be revised.

It is a substantial problem that cultures which enable discrimination against women are often unwilling to prosecute their own nationals for crimes of SEA; whether they commit crimes abroad or at home. It is also problematic how states with weak judicial systems hold exclusive jurisdiction, when they are unable to execute it. However, as shown, these are not aspects which are fully explanatory. States like Cameroon with weak systems are able to convict perpetrators despite large amounts of systematic discrimination, and states with systems which are considered 'strong', sometimes exhibit low numbers of convictions. This then opens up the discussion of the unwillingness of states to prosecute its nationals. Apart from the strength, or lack thereof, of a state's judicial system, a substantial impediment is if a state exhibits an reluctance to prosecute.

However, by mainly referencing these aspects as explanations for impunity, and by placing the majority of blame on the TCC's, the UN is painted as an organization doing its

best, standing before a group of outlaw states with its hands tied. This paper argues that all involved parties in the instances of SEA during peacekeeping missions need to face accountability. States which do not have the judicial capacity to prosecute, or exhibit an unwillingness to prosecute, ought not hold exclusive jurisdiction to prosecute their nationals who commit SEA in their role as peacekeepers and protectors. However, the UN should not employ these states in the first place. A greater information system needs to be employed in order to fully assess both the state's judicial capacity as well as its intentions to prosecute and investigate in a satisfactory manner. In the cases where states objectively ought to be able to prosecute, there should also be greater responsibility put on the UN to see to it that the TCC fulfills its judiciary duties. In those cases where TCCs do not uphold the agreed upon standard, the contingencies from the TCC should be withdrawn from duty and replaced in accordance with an outcome-based contract. This paper thus agrees with previous researchers' argument about the significance, or lack thereof, of state-specific research. While the countries discussed in this paper provide valuable insight into specific cases, they more so explain the general obscurity of the problem. One should not be caught up with the historical actions of specific states, but rather use them to understand the flaws of the system.

Therefore, this paper argues that some of the main factors, rising from the relationship between TCCs and the UN, which contribute to impunity and a lack of accountability in regards to SEA perpetrated by peacekeepers are: an unwillingness to prosecute within the TCCs, limited implementation of consequences at the occurrence of breaking SOFAs, faulty selection of TCC based on their judicial capacities, lacking implementation of policy, and weak oversight mechanisms from the UN. This paper argues that these factors could be relieved by implementing stricter information systems and outcome-based contracts, which are in some capacity already in place, but must be enforced to have the desired effect. It is also important to reflect over the critique within legal pluralism; namely that one should not assume the immediate adjustment to external jurisprudence.

Much research has been done on this topic, in all likelihood due to the absurdity and graveness of the situation. Future research might add more comprehensive policy measures to ensure that the fight against impunity is won. I would suggest a harsher approach against TCCs, the implementation of independent tribunals stationed in the host-state and a revision of the education of peacekeepers on sexual violence. All of these suggestions could be divided into separate studies and ought to be researched thoroughly to ensure correct implementation.

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