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The U.S. WPS Agenda and UN Peacekeeping

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Foremost among the U.S. president's means for advancing international peace and security are UN peacekeeping operations. Yet as recent missions in South Sudan and the Central African Republic (CAR) reveal, serious problems continue to plague peacekeeping: sexual exploitation and abuse (SEA) by peacekeeping forces, failure to fulfill their mission mandate to protect civilians, and inadequate training on the tactical aspects of preventing violence against women.

In adopting resolution 1325 in 2000, members of the UN Security Council, including the United States, expressed grave concern about sexual violence in conflict situations and recognized the need for UN peacekeepers to protect women and girls. The resolution also recognized that sustainable peace could only be achieved if women participate in peace negotiations. This resolution and subsequent ones became known as the women, peace, and security agenda (WPS).

As a permanent member of the UN Security Council and as the largest contributor of funding to the UN Department of Peacekeeping Operations (DPKO), the United States has great influence on the mandate and conduct of UN peacekeeping operations. The 2011 U.S. National Action Plan on Women, Peace, and Security called for UN peacekeeping missions to include strong mandates on protection of civilians from sexual and gender-based violence (SGBV), to receive training that would build their capacity to address threats of SGBV, to take steps to stop peacekeeping troops from committing these abuses themselves, and to strengthen women's participation in security forces.

At the 2015 Leaders' Summit on UN Peacekeeping, nearly 50 heads of state and governments reaffirmed the need for peacekeeping missions to enhance civilian protection and adhere to a zero-tolerance policy for peacekeepers who perpetrate sexual exploitation and abuse. In tandem, the White House released a presidential memorandum laying out a comprehensive approach for reforming UN peace operations in line with U.S. national security interests. It emphasized the "important and direct role" that UN peace operations play in protecting civilians including from SGBV. It also reaffirmed the importance of gender diversity in the leadership ranks of UN peace operations.

Three challenges are preventing UN peace operations from achieving the goals that U.S. and UN leaders have articulated over the past 16 years, and their effectiveness has thus been compromised. First, not all UN peacekeeping operations have integrated the WPS agenda, including protection of women and girls, into their mission mandates. Out of 27 peace-related missions active in 2016, only 12 mission mandates included language on WPS.¹ Indeed, UN forces have exacerbated the problems women in conflict settings face. In 2014, it was revealed that French and Congolese forces from the UN Mission to the Central African Republic solicited sexual favors from male and female children as young as 13 in exchange for food and money.

Second, troop-contributing countries and national militaries continue to grapple with how to protect civilians on the ground when the host government itself poses the threat or does nothing to protect its own citizens.²

The UN mission in South Sudan underscored this difficulty: In July 2016 Chinese and Nepalese forces stood by as women and girls were gang raped by forces of the South Sudanese army.

Third, UN peacekeepers lack adequate practical and tactical training on preventing and mitigating violence against women. U.S. training programs for police and military personnel pay insufficient attention to the protection of civilians (PoC) and gender based violence (GBV).

This brief examines how the U.S. Government agenda for UN peacekeeping can address the interconnected challenges of preventing UN forces from committing acts of sexual violence, training them effectively, and equipping troop-contributing countries (TCCs) with mandates to protect civilians and prevent acts of SGBV. It then recommends ways to strengthen U.S. foreign policy to address these challenges.

I. Sexual Violence and Abuse

Sexual violence and abuse in UN peacekeeping operations has been a concern since the 1990s. In 2003, the UN issued a zero-tolerance policy. However, this has proved ineffective for several reasons: 1) The policy depends on countries' willingness and ability to prosecute their forces for acts of sexual exploitation and abuse, 2) many TCCs have either weak rule of law or systems of military justice that fail to recognize sexual violence as a serious crime, and 3) there is a pervasive perception within missions that forces operating under the UN have immunity, leading to a lack of accountability. Thus, peacekeeper sexual abuses continue.

Allegations of abuses of young children in the Central African Republic (CAR) renewed international attention and led to an independent investigation whose findings were published in December 2015. The investigation found that the UN's response was "seriously flawed" and that the force commander "failed to take any action to follow up on the allegations."³

In a subsequent report, the UN secretary-general found there were 69 allegations of sexual violence and abuse in 2015 against personnel deployed in peacekeeping operations and special political missions in nine current and one closed peacekeeping operation.⁴ The majority of these abuses took place in Africa. By January 31, 2016, only 17 investigations had been completed, with 7 substantiated and 10 unsubstantiated cases. The report also stated that only one perpetrator was held accountable by a member state. The report identified the lack of accountability and training on standards of behavior as major problems.⁵ In a spirit of transparency and accountability, the secretary-general listed the nationality of personnel involved in the allegations.⁶

While the U.S. government has spoken out against peacekeeper sexual abuse, it has taken limited punitive measures against states which have known cases of misconduct, yet the U.S. currently pays up to 30% of the annual peacekeeping budget. Countries such as Rwanda and Tanzania which have multiple cases of SEA continue to deploy to UN peacekeeping operations and are considered close partners of the U.S. in developing a new regional response capacity with standby forces to mitigate conflicts on the continent

The U.S. Mission to the UN issued a statement praising the report, supporting the decision to repatriate forces that have engaged in sexual abuses, and encouraging member states to commit to a six-month timeline for completing investigations.⁷

In 2016, the United States supported passage of Security Council Resolution 2272, which calls for the UN to repatriate military and police units when there is credible evidence of widespread abuse by that unit and to assess whether member states have taken steps to investigate allegations before determining whether they may participate in other peacekeeping operations. In February, the UN secretary general appointed Jane Holl Lute, former U.S. deputy secretary of homeland security and former assistant secretary general for peacekeeping, to serve as a special coordinator to improve the UN response to sexual abuses.

In April 2016, the U.S. House Foreign Affairs Committee and Senate Foreign Relations Committee held hearings on sexual abuses by peacekeepers in which prominent UN whistleblowers and U.S. advocacy groups made additional recommendations.⁸ Both committees took swift follow up action on the recommendations from expert testimony, developing a requirement in the State Department Reauthorization Bill to present a comprehensive strategy on combatting SEA in peacekeeping operations. This requirement was signed into law in December 2016, giving the State Department six months to develop the strategy.⁹

With every report of abuses by a peacekeeping mission, the effectiveness of the UN and congressional support for UN funding are undermined. When forces fail to perform their duties, as in South Sudan, and when battalions on the ground fail to curb sexual violence, as in CAR, the violence continues and permits forces to act with impunity.

The need for U.S. leadership is clear. The United States needs to take concrete steps to hold foreign forces accountable for crimes committed while serving under the UN. For example, it has not held the country's leaders accountable for not following up on credible allegations and prosecuting substantiated crimes against civilians.

To date, the U.S. has not required that reparations be made to survivors. While the U.S. government has offered such countries its support in helping investigate cases, it is not clear whether the U.S. intends to ensure that there is a direct link between accountability and a country's eligibility to serve.¹⁰ The State Department Reauthorization Bill sought to remedy some of these weaknesses in the UN zero-tolerance policy by requiring the new U.S. Strategy for Combatting SEA to also have an implementation plan in pursuit of several concrete objectives including: improved training and accountability mechanisms for UN civilian and military personnel, ensuring swift justice for personnel found to have committed abuses; and to assist troop and police contributing countries to improve their ability to prevent, identify, and prosecute SEA.¹¹

The new UN secretary-general Antonio Guterres has sworn to make the UN zero tolerance policy “a reality” by ensuring better structural, legal and operational measures to combat SEA.¹²

The new U.S. administration should work together with the new UN Secretary General to reinforce key messages on accountability. For example, the UN could require countries that participate in peacekeeping operations to have a military code of justice that incorporates sexual and gender based crimes.

Building the capacity for the rule of law within foreign military institutions would be a lengthy and expensive institutional process. Thus, the United States also should identify more immediate steps to let countries know it takes sexual violence seriously—considering it as a dereliction of duty that renders forces unfit to serve under the UN. The U.S. Government should consider proposals to fine TCCs that fail to hold their forces accountable and use collected fines to fund victim compensation.

Additional financial incentives and disincentives are available to the United States. A recent report published by the Women in International Security suggests that the UN could offer a higher reimbursement rate for TCCs that include female military and police forces in order to encourage better gender balance in peacekeeping forces.¹³ Other security experts have suggested that TCCs whose investigations for sexual abuse are pending indefinitely receive less reimbursement until they progress toward accountability.¹⁴ Withholding support for U.S. military training and equipment is another mechanism. The Executive Branch has an opportunity to work with Congress to implement reforms of mutual interest that are most likely to get results.

II. Protection of Civilians

In addition to institutionalizing crimes against women within their militaries, troop contributing countries participating in UN missions also have a difficult time operationalizing basic concepts such as preventing imminent harm against the civilian population. A 2014 study of eight peacekeeping operations with a mandate to protect civilians found that, of 570 reported attacks on civilians, peacekeepers failed to respond to 80 percent of the time.¹⁵ The report further stated, “Force is almost never used to protect civilians under attack” and has been “routinely avoided as an option.”

Peacekeeping missions cited differences between the Security Council and TCCs on how and when to use force to protect civilians and conflicting lines of command from UN and TCC leaders in the field. Thus troops were confused about what steps to take when violence was imminent, especially when the host government was responsible. The report recommended that the UN increase operational control over contingents, provide greater clarity on peacekeeper tasks at the tactical level, and improve the relationship between peacekeepers and humanitarian agencies.¹⁶

A 2015 update on the UN's policy on protection of civilians clarified that it means using “all necessary means, up to and including the use of deadly force, aimed at preventing or responding to threats of physical violence against civilians, within capabilities and areas of operations, and without prejudice to the responsibility of the host government.”¹⁷ The policy said the host state has the primary responsibility for civilian protection within its territory, yet added, “The mission should support the host state's protection efforts or act independently to protect civilians when the latter is deemed unable or unwilling to protect its own civilians, or where government forces themselves pose a threat to civilians.”¹⁸

The United Nations could benefit from a close look at the new NATO policy on the protection of civilians, which was agreed to by all 28 nations in the alliance during the Warsaw Summit in July 2016.¹⁹ The policy makes specific references to previous policy commitments on women, peace, and security and gender-based violence.²⁰ NATO has extensive operational experience improving upon its conduct of operations to create a safe environment for the civilian population. The alliance has been working on its tactical approach to civilian protection for some time, particularly in Afghanistan.²¹

NATO has documented important lessons learned during the International Security Assistance Force (ISAF) mission in Afghanistan from 2008 to 2014. In response to allegations that its forces had indiscriminately killed civilians, NATO implemented the Civilian Casualty Tracking Cell (CCTC) in 2008, which collected and analyzed data related to civilian harm.²² This cell collected evidence from the UN and civil society organizations on the ground, reporting and tracking incidents and managing reparations to the victims. Mitigation efforts also shaped training and guidance, which institutionalized lessons learned in real time. By 2014, NATO achieved an 80 percent reduction in the number of civilian casualties. (In 2011, the data began to separately track the number of women and children harmed.)

There are differences in NATO and UN operations that affect the character of their civilian protection policies: NATO's air operations were largely responsible for the civilian casualties, whereas UN operations are carried out by ground forces, which monitor peace agreements through patrols in armored vehicles. Nonetheless, the UN can learn from NATO's example by instituting an intentional process to track violations against civilians and developing tactical plans to mitigate harm. This holistic approach to preventing, mitigating, and improving training based on what has been learned from failure would significantly benefit the UN, which thus far has been bogged down in debates about the extent to which TCCs should use force to protect civilians.

III. Training of Peacekeepers

The U.S. government spends hundreds of millions of dollars annually to train foreign military and police forces to be more effective UN peacekeepers. The U.S. agencies responsible for training peacekeeping forces include regional combatant commands for the Department of Defense; the State Department's Bureau of Political Military Affairs which oversees the Global Peacekeeping Operations Initiative (GPOI), ; the Africa regional bureau at State, which runs the Africa Contingency Operations Training and Assistance (ACOTA) program; and State's bureau for International Narcotics and Law Enforcement (INL), which manages the International Police Peacekeeping Operations Support program.

The U.S. presidential memorandum on peacekeeping forcefully states, "The Departments of State and Defense will ensure that any U.S. provided peacekeeping training includes a component on the prevention of SEA. They will condition peacekeeping training or related assistance on the commitment of the TCCs and Police Contributing Countries (PCCs) to ensure that adequate disciplinary measures for SEA violations exist."²³

Unfortunately, U.S. policy has had a limited effect on TCCs because they lack the knowledge and willpower to prevent SGBV. Indeed, many countries have gaps in their national laws concerning crimes against women and this underpins their reluctance to proactively engage in tactical operations to prevent violence against women and girls.

Another limiting factor is the training itself. While all the U.S. programs claim to use UN training materials on sexual violence and exploitation, the methods for delivering the training falls short. Private military contractors manage these programs, using programs of instruction (POI) developed in concert with a contracting officer, who relays minimum standards and requirements for performing within their statements of work (SOW). This contract language, not a presidential policy directive, guides how they conduct military training.

Consequently, trainers devote a few quick PowerPoint presentations to human rights and gender, and trainees are given handouts on international human rights instruments that they are unlikely to read. The method of instruction does not allow for the trainees to deduct how they would use this human rights information in a complex operational setting. The instruction lacks scenario-based examples and real-life dilemmas, which require critical thinking and role-play, both of which are helpful for understanding cultural and gender perspectives. The training typically does not address grey areas regarding the rule of law and sexual violence, such as the difference between prostitution and human trafficking, or whether domestic violence constitutes gender based violence (GBV), and what to do if certain forms of abuse and discrimination are lawful in their home country, but illegal in another context.

Civil society organizations have pointed out that there was no clear reference in the 2011 NAP to State and DOD military contractors' responsibility to increase their knowledge, understanding, and awareness of WPS issues. Indeed, contractors working on police, military, and peacekeeping training programs repeatedly stated to members of the Civil Society Working Group that their contracts did not require them to address these issues.²⁴ More needs to be done, particularly for forces in South Sudan, the Democratic Republic of Congo (DRC), and the Central African Republic (CAR), where the prevalence of sexual violence in conflict has led to a culture of impunity.

IV. Recommendations on the Prevention of Sexual Abuse by Peacekeepers

The United States should propose the following measures to ensure countries understand that peacekeeper abuses will be considered as a dereliction of their duty to protect:

- Align U.S. efforts on sexual and gender based violence (SGBV) prevention—strengthening the rule of law and the professionalization of foreign forces by assessing where national partners have gaps in domestic laws and military codes of justice—and build partners’ capacity to enact comprehensive reforms that reinforce accountability;
- Develop financial incentives and disincentives on performance and accountability;
- Develop a cohesive U.S. policy on addressing sexual exploitation and abuse (SEA) by UN peacekeeping operations;
- Issue a statement about the important elements of WPS and civilian protection every time a mission mandate comes up for consideration and renewal in the Security Council;
- Make strong statements condemning acts of abuse and exploitation within a mission when they occur;
- Encourage mission commanders to enforce the zero-tolerance policy
- Remove UN leaders from positions of authority who are known to consistently undermine advancements in women, peace and security (WPS)

In addition, TCCs whose forces have committed abuses should face the following penalties:

- Suspension of country participation in UN peacekeeping missions until offenders are held accountable;
- Mandatory reparations paid by the TCC to the survivors;
- Public acknowledgment of the crime to the host nation;
- Prevention by TCCs of any individual who has previously committed sexual exploitation or abuse (SEA) from serving in a future UN mission.

V. Recommendations on the Protection of Civilians:

- Continue to advance U.S. policy and doctrine on the Protection of Civilians (PoC), comparing U.S. military guidance with UN and NATO guidance for a comprehensive perspective on how military operations can safeguard civilians from harm

- Close the gap between U.N. mission mandate language on PoC and the inability of certain TCCs to proactively protect civilians from imminent harm by discouraging the deployment of forces from underperforming countries
- Hold back TCC reimbursements from countries that fail to perform PoC duties
- Carefully consider the human rights and SEA track record of all TCCs that have agreed to take part in the Africa Regional Rapid Reaction Force so that elite forces trained for such assignments are held to high standards of accountability and effectiveness for their conduct of operations in mission

VI. Recommendations on Training

The State Department should strengthen U.S. peacekeeping training programs such as GPOI and ACOTA to encourage partner countries to improve their protection of civilians and their response to sexual and gender-based violence. DOD and State should include experts from civil society in the training of partner nations and TCCs to ensure that private contractors are not skewing training toward tactical approaches such as target practice while leaving human rights to brief classroom presentations that are easily ignored.

In addition, the Department of State (DoS) and Department of Defense (DoD) should work with each TCC to strengthen peacekeepers’ codes of conduct. It should consider fining misconduct steeply, including reparations deducted from peacekeeper wages. More specifically U.S. Government programs should:

- Build partner nation capacity for peacekeeping operations, both police and military, have explicit requirements for contractors to include interactive, tactical scenarios on the protection of civilians (PoC) and sexual exploitation and abuse (SEA) in their Statement of Work (SOW) and Program of Instruction (POI)
- Encourage private contractors working on U.S. funded police and military training programs require female participation on training teams so that gender perspectives can be incorporated into the training
- Push the UN to allow for U.S. monitoring and evaluation (M&E) of peacekeeping training participants once they deploy in mission, to determine how to make the programs of instruction relevant to realities on the ground
- Require all U.S. training programs to conduct After Action Reviews (AARs) with forces that have been deployed on mission to consistently improve upon the content and delivery of the training

The U.S. Mission to the UN and the U.S. Mission to NATO would also benefit from the presence of a dedicated, full-time advisor on Women, Peace, and Security (WPS) and an expert on the protection of civilians (PoC). These civilian experts should work closely with military advisors to the U.S. ambassador to the UN and NATO. The only way to harmonize U.S. policy on partner nation capacity building on the protection of civilians (PoC) and the women, peace, and security (WPS) agenda is to make a coordinated effort to learn from all multinational operations working in complex environments, and to implement the lessons learned through concrete action.

References

- 1 These missions include the Central African Republic (MINUSCA), Ivory Coast, (UNOCI), Darfur (UNAMID), Democratic Republic of the Congo (MONUSCO), Haiti (MINUSTAH), Liberia (UNMIL), Mali (MINUSMA), South Sudan (UNMISS), and certain political missions including Afghanistan (UNAMA), Guinea-Bissau (UNIOGBIS), Somalia (UNSOM), and West Africa (UNOWA). See NGO Working Group on Women, Peace, and Security, "Mapping Women, Peace and Security in the UN Security Council, 2015," (New York: United Nations, 2016), http://womenpeacesecurity.org/media/pdf-NGOWG_MappingWPS_PolicyBrief_2015.pdf.
- 2 The UN Mission in Sierra Leone (UNMASIL), established in October 1999, got an express mandate in February 2000 to protect civilians.
- 3 Marie Deschamps, Hassan B. Jallow, and Yasmin Sooka, "Taking Action on Sexual Exploitation and Abuse by Peacekeepers: Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic," (New York: UN, 17 December 2015), <http://reliefweb.int/report/central-african-republic/taking-action-sexual-exploitation-and-abuse-peacekeepers-report>.
- 4 UN General Assembly, "Special Measures for Protection from Sexual Exploitation and Sexual Abuse: Report of the Secretary-General," A/70/729 (New York: UN, February 2016), paragraph 4.
- 5 The report recommended enhanced communication strategies for prevention; an e-learning program on sexual abuse; mobile training teams to support pre-deployment training on conduct and discipline; vetting personnel for prior misconduct and denying redeployment of those forces with prior misconduct; requiring TCCs to certify operational readiness by confirming pre-deployment training that meets UN standards, including the vetting of staff for prior misconduct.
- 6 African countries listed include Benin, Burundi, Burkina Faso, Cameroon, Congo-Brazzaville, Democratic Republic of the Congo, Gabon, Ghana, Madagascar, Morocco, Niger, Nigeria, Rwanda, Senegal, South Africa, Tanzania, and Togo; other countries are Canada, Germany, Moldova, Slovakia, and the Ukraine, a number of which are U.S. partners for the ACOTA program. U.S. partners include Benin, Burkina Faso, Cameroon, Gabon, Ghana, Niger, Nigeria, Rwanda, Senegal, South Africa, Tanzania, and Togo.
- 7 Ambassador Samantha Power, Statement on the Secretary General's Report on Sexual Exploitation and Abuse, U.S. Mission to the UN, March 4, 2016.
- 8 These recommendations included the following: waive immunity of the forces so they can be held accountable; make TCC commitments to investigate, try, and punish personnel for misconduct a prerequisite of participating in UN peacekeeping; prohibit states that refuse to hold their forces accountable from participating in future missions; give states that fail to hold substantiated allegations accountable less financial reimbursements for troop contributions; suspend country participation in other U.S. military training and equipment programs; strengthen vetting procedures and UN personnel database on misconduct; establish a claims commissions in every mission; enforce protections for whistle blowers; and repatriate forces that have repeated violations.
- 9 Public Law No: 114-323, Accessed online <https://www.congress.gov/bill/114th-congress/senate-bill/1635/text> (1/6/17)
- 10 Testimony of Principal Deputy Assistant Secretary of State for International Organizations before the Senate Foreign Relations Committee, April 2016.
- 11 Ibid, Public Law No: 114-323.
- 12 Code Blue Campaign, www.codebluecampaign.com/press-releases/2016/7/27 and See Media reports from the Code Blue Campaign website: <http://www.codebluecampaign.com/welcome#news> (1/6/17).
- 13 Clara Fisher, Paige Harland, Kat Ilich, and Erin McGown, "UN Security Council Resolution 1325 in Peacekeeping: Challenges and Opportunities," (Washington, DC: Elliott School of International Affairs, George Washington University, and Women in International Security, August 2016).
- 14 Brett D. Schaefer, "Peacekeepers: Allegations of Abuse and Absence of Accountability at the United Nations," Testimony before the House Committee on Foreign Affairs, April 13, 2016.
- 15 Office of Internal Oversight Services, "Evaluation of the Implementation and Results of Protection of Civilian Mandates in United Nations Peacekeeping Operations," A/68/787 (New York: UN, March 7, 2014), http://www.un.org/ga/search/view_doc.asp?symbol=A/68/787.
- 16 Ibid.
- 17 UN Department of Peacekeeping Operations, "The Protection of Civilians in United Nations Peacekeeping," DPKO/DFS Policy (New York: UN, April 2015), <http://civilianprotection.rw/wp-content/uploads/2015/05/2015-07-Policy-on-PoC-in-Peacekeeping-Operations.pdf>

18 Ibid.

19 NATO Policy on the Protection of Civilians, U.S. Mission to NATO website, <https://nato.usmission.gov/nato-policy-protection-civilians/> (1/6/17)

20 Ibid, NATO Policy on PoC.

21 NATO, “NATO Policy for the Protection of Civilians,” Press release (2016) 135, http://www.nato.int/cps/en/natohq/official_texts_133945.htm?selectedLocale=en.

22 NATO, Joint Analysis and Lesson Learned Center, “Protection of Civilians: How ISAF Reduced Civilian Casualties,” project factsheet, 1 June 2015.

23 White House, Office of the Press Secretary, “Memorandum for the Heads of Executive Departments and Agencies on United States Support to United Nations Peacekeeping,” Sept. 28, 2015.

24 There are some exceptions. In the Southern Hemisphere, Chile has been a significant partner, with three major WPS engagements at the Santiago PKO training center, including a two-week course on WPS and a regional workshop with 17 countries participating, including the Spanish Ministry of Defense and regional NGOs from Argentina and Brazil. GPOI also partners with the Naval Postgraduate School, which offered 120 courses related to women, peace, and security in 2015. GPOI will have its first formal discussion on WPS with China and India in late 2016, according to a GPOI representative. AFRICOM has also released several studies on gender-based violence and held discussions with African ministers of defense on WPS with the UN.

About the Author

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Established in 2010, The U.S. Civil Society Working Group on Women, Peace, and Security (U.S. CSWG) is a network of civil society organizations with years of experience working on issues involving women, war, and peace. The U.S. CSWG informs, promotes, facilitates, and monitors the meaningful implementation of the U.S. National Action Plan on Women, Peace, and Security.

