

# PEACEKEEPERS OR SEXUAL PREDATORS: TAINTED UN MISSIONS IN AFRICA AND THE UNENDING ISSUE OF ACCOUNTABILITY

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## ABSTRACT

*One of the aspirations of the United Nations (UN) is the protection and promotion of human rights. In fulfillment of that mandate, UN peacekeeping mission was created to protect civilians in war-ravaged countries, apparently to assist them transit to peace. UN peacekeepers have been entangled in human rights violations especially sexual exploitation and abuse (SEA) against persons under their protection. The resort to sexual predation by UN peacekeeping forces in Africa is a betrayal of their duty to protect. However, the worst treachery is the UN's failure to stop the violence or hold the perpetrators accountable. Many of the rape victims informed the UN, but never got any help. The perpetrators enjoy immunity from prosecution. This paper calls for reforms of the UN system. It argues that SEA now constitutes a war crime under international law and peacekeepers cannot claim, or be conferred with, immunity from prosecution. It recommends the creation of special court to try peacekeepers indicted for the crimes.*

**Keywords:** United Nations, Peacekeepers, Peacekeeping in Africa, Sexual Violence, Accountability, Special Court.

## INTRODUCTION

One of the consequences of armed conflicts or refugee situations is the indiscriminate act of sexual assault. During hostilities, lawlessness thrives and SEA is perpetrated by both friendly and enemy forces (Than & Shorts, 2003). The World Health Organisation (WHO) has highlighted some forms of sexual assault perpetrated in the course of armed conflicts to include rape, military sexual slavery, forced prostitution, forced 'marriages' and forced pregnancies; multiple rapes and gang rape; women forced to have sex for survival; and female genital mutilation within community under attack (WHO, 1997).

Sexual abuse in armed conflict dates back to antiquity (Durban & O'Byrne, 2010). History is awash with SEA amid chaotic and turbulent environments (ICRC, 2016). In times past, women and girls were used as trophies after celebrated battles (Lindsey, 2001). They were diminished to war booty to be shared by the vanquishers (Women 2000, 1998). In conflict after conflict, women were deliberately targeted, degraded, humiliated and treated with contempt by the men. In contemporary armed conflicts, belligerents have used sexual abuse deliberately as a tool of war, to instill fear, terrorize and humiliate communities (Prugl, 2019). The perpetrators include government forces, rebel groups and even civilians. However, it is the involvement of UN peacekeepers in sexual abuse that has caused a stir, embarrassment and shock in the international community (Lindsey, 2001).

In the wake of the barbarity exhibited against civilians in the First and Second World Wars, the UN was formed in 1945 with the mandate to protect and promote human rights (Articles 1, 13, 55, 56, 62(2), 68, and 76 of the UN Charter). This includes protection of civilians and vulnerable people caught in armed conflict. In furtherance of its objectives and principles, the UN peacekeeping mission was instituted. It commenced operations in 1948 with the constitution of the United Nations Truce Supervision Organisation (UNTSO), after the Arab-Israeli War (Cooper, 2019). As of 2019, the UN had a global deployment of over 110,000 peacekeepers from 124 countries in 14 missions (Cooper, 2019).

Peacekeeping forces have played a strategic part in stabilisation, including averting an even greater explosion of violence. Their accomplishments are commendable, particularly amid the dangers they face. However, these achievements stand the danger of being eclipsed by serious human rights violations by some peacekeeping troops, including involvement in SEA of children.

In the early 1990s, crimes by peacekeepers captured international attention, with reported cases of sex scandals in Bosnia and Kosovo (Godec, 2010), including accounts of rape, prostitution and trafficking and abuse of minors (Essa, 2017). In 1992, forces engaged in the UN Observer Mission in Mozambique enlisted girls between 12 and 18 years into prostitution (Lindsey, 2001). Reports of SEA of refugees in Guinea, Liberia and Sierra Leone by peacekeepers also surfaced in 2001 (Essa, 2017).

Peacekeepers from several countries have sexually violated persons under their protection (Taylor, 2015). The Associated Press disclosed in April, 2017 that about 2,000 incidents were reported globally (Gowrinathan & Cronin-Furman, 2017). In dealing with SEA, the UN adopted special mechanisms to end the practice. In spite of the measures, peacekeepers have consistently indulged in the practice. Accused peacekeepers were simply deployed elsewhere or sent home (Essa, 2017). It appears the UN's response has been inadequate. An assessment of existing policy structure on their operations reveals the absence of mechanism for accountability, justice or redress for victims of SEA. The question naturally arising from the foregoing is why has SEA by peacekeepers persisted in spite of efforts by the UN to stop it?

Irrespective of the perpetrator SEA constitutes a grave infraction of human rights, international humanitarian law, and international Criminal Law. Scholars and researchers, with profusion of literature, often dwell on SEA by peacekeepers as a violation of human rights and international humanitarian law, thereby sidelining the criminal element, the issue of accountability and individual criminal responsibility.

This work interrogates the issue as to whether current measures are sufficient to address SEA by peacekeepers in terms of accountability and justice to the victims. In the light of the current posture of international law, the paper argues that SEA perpetrated in the context of armed conflict may constitute war crime, crime against or constituent element of genocide; and anyone found culpable should be prosecuted in one way or the other. How such prosecution would be achieved could be determined by the UN in collaboration with member States.

### **Armed Conflicts in Africa and the Need for Peacekeeping**

Africa has for many years been a theatre of vicious armed conflicts (Uwechue, 1991). Before and after independence, several countries witnessed brutal armed conflicts in different parts of the continent and an outburst of horrific violence against civilians, particularly women

and girls. The countries worst affected were Angola, Liberia, Sierra Leone, Rwanda, Sudan, and Cote d'Ivoire, Burundi, DR Congo and Central African Republic (CAR). UN peacekeeping operations comprising military personnel, police, civilian staff and humanitarian workers were deployed to protect civilians and keep the peace. In the 1990s, Africa went through its darkest period, when several countries were torn apart by civil strife caused primarily by issues such as ethnic competition; secessionist rebellions; elongation of liberation conflicts; religious fundamentalism; state collapse; and border disputes (Lodge, 1999).

Following numerous armed conflicts and the attendant colossal human and material losses, Africa quickly became a client of UN peacekeepers. The UN organized peacekeeping operations in a number of countries aimed at alleviating the sufferings of civilians. In Africa, UN peacekeeping force (United Nations Operation in the Congo) was first deployed in Congo republic (now DR Congo) in 1960 (SC Res. 145 and 146 of 1960), shortly after its independence from Belgium. Subsequent missions were deployed in Namibia (UNTAG); DR Congo (MONUC); Western Sahara (MINURSO); Liberia (UNMIL); Sierra Leone (UNAMSIL); Central African Republic (MINUSCA); and Darfur, Sudan (MINURCAT).

### **Sexual Abuse by UN Peacekeepers in Africa**

Sexual abuse by UN peacekeepers is a global nightmare and a cancer in the UN system (Sieff, 2016; Salvatore, 2019). From inception, UN peacekeeping operations had been tainted with allegations of SEA (Freedman, 2018). The enigma is not peculiar to Africa. It was a big problem in the erstwhile Yugoslavia during the Balkan war in the 1990s (Essa, 2017). In Haiti, peacekeepers known as UN Stabilisation Mission in Haiti (MINUSTAH) sexually abused and raped women and children (Vahedi, Bartels & Lee, 2019). Over 100 of the peacekeepers were repatriated, but none has been prosecuted (Gowrinathan & Cronin-Furman, 2017).

Sexual predation by UN peacekeepers is most unfortunate. Over the years, they have taken advantage of vulnerable and desperate people in conflict zones in Africa, to perpetrate child rape, gang rape, as well as soliciting prostitutes during peacekeeping missions (UN Peacekeeping, 2017). Poverty and chaos render women and girls deeply vulnerable (Skye, 2020). Several women and girls have been coerced into sexual relations in exchange for food. Sex-for-food scandal in CAR once dominated the international press (Aidi, 2015). Peacekeepers' babies abound in their areas of operation (Simic, & O'Brien, 2014). A 14-year-old girl was raped by a Burundian soldier, leaving her pregnant (Sieff, 2016). Several women and girls were put in family way by peacekeepers. They allegedly received no support from their violators after delivery.

The Liberian Civil War resulted in the deployment of United Nations Mission in Liberia (UNMIL). There were numerous allegations of sexual misconduct by UN personnel. They reportedly and regularly had sex with young girls, some just 12 years old (Bowcott, 2005). Peacekeepers allegedly forced girls to perform sexual acts, while taking pictures of them (Defeis, 2008). Thousands of children are fathered by soldiers on a peacekeeping mission in Liberia. Many were disowned by their mothers, and were brought up as orphans (Layleh & Petesch, 2018).

The DR Congo had been entangled in protracted armed conflict that, at a point, dragged in neighbouring countries. The UN deployed the Mission in the Democratic Republic of Congo (MONUC) to keep the peace (Mansfield, 2009). Sometime in 2004, there were allegations of

rape, torture, transactional sex and fathering of babies by UN peacekeepers (Notar, 2006). The international press gave graphic accounts of SEA of women and girls by personnel of MONUC (Clayton & Bone, 2004). The allegations were confirmed by the UN Office of Internal Oversight Services (OIOS) in a report published in March 2005 (OIOS Report, 2005). MONUC was changed to MONUSCO in 2010 (Stern, 2015). But the change of name did not change the behavior of the UN personnel, as sexual abuse persisted (Lai, 2017). Peacekeepers in The United Nations Operation in Cote d'Ivoire (UNOCI) were alleged to have committed sexual abuse during the conflict (Ndulo, 2009). Officials of the Mission said they were looking into allegations of SEA involving peacekeepers based in the west of the country (UN News, 2011).

The UN stationed thousands of troops and police in South Sudan in support of its mission (UNMISS). The force was implicated in sexual abuse, resulting in the expulsion of 46 Ghanaian peacekeepers in 2018 (Agence France-Presse, 2018). In 2018, Nepalese troops sexually assaulted two adolescent girls, which UN described as “*especially heinous*” (Agence France-Presse, 2018). The UN received several complaints of SEA South Sudan in 2019 (UN News, 2019).

The biggest UN scandal occurred in the CAR (Sieff, 2016). The country was embroiled in sectarian conflict between Muslim rebels and Christian militias. It took a great toll on civilian lives and property. In 2013, a UN peacekeeping force known as MINUSCA was deployed to protect civilians, oversee disarmament and stabilise the country (Laville, 2016). Allegations of SEA by the peacekeepers soon appeared in the public domain. There were egregious abuses by peacekeepers, including rape of children (Taylor, 2015). In 2014, a Burundian soldier allegedly pinned down a 15-year old girl and raped her (The New Humanitarian, 2018). Between 2014 and 2015, incidents of SEA by peacekeepers had crossed 150 (The New Humanitarian, 2018). A UN investigation in 2016 uncovered 41 alleged perpetrators comprising 16 peacekeepers from Garbon and 25 from Burundi (Laville, 2016). In 2017, an adolescent girl raped, while under the influence of drugs administered by peacekeepers (Amnesty International, 2017). MINUSCA received reports of SEA of children by Mauritanian peacekeepers (UN Peacekeeping, 2018). There were also disturbing accounts of SEA of young boys by French, Chadian, Ugandan and Equatorial Guinea peacekeepers at IDPs camp (Fassihi, 2016). French Sangaris troops who were in CAR to support African Union forces were discovered to have subjected internally displaced children to SEA in exchange for food (Smith, 2015).

### Adverse Consequences on Victims

Victims of rape suffer shame, stigmatization, isolation, humiliation and inability to function in society (Josse, 2010). In African culture women will not speak out easily that they have been raped, as it is a shame to do so (Women 2000, 1998). Victims are usually shunned and ostracized (Women 2000, 1998). In Liberia, mothers of peacekeepers' babies went into hiding, out of shame and neglect (Layleh & Petesch, 2018).

Several victims of rape got pregnant and gave birth. Often children borne of rape are rejected and castigated by the society. The communities where the victims of rape hail from, in most cases, are not prepared to provide any support for these women and the children, who are products of rape (Lai, 2017). While they may be willing to accept their mothers back into the community, the offspring of rape would not be accepted. This leads to further ostracism, trauma and abuses of their rights. This may have life-long consequences, with adverse impact on the child's mental health as well as cognitive and emotional status (Limo, 2016).

Rape can have severe physical and health consequences such as infertility, incontinence and sexually transmitted diseases (ICRC, 2016). In CAR and DR Congo young girls, some aged 12, had been raped and defiled by peacekeepers resulting in pregnancy and childbirth. This often led to severe medical conditions because of the age of the girls, whose organs are not matured enough to carry a baby. This could also lead to upsurge in HIV transmission and prostitution (Limo, 2016). Victims of SEA also suffered economic hardship as they received no support from the soldiers who fathered their babies and most said their social and economic situation worsened after the child was born.

## Responses/Measures by the UN

Sexual abuse has caused great injury to the victims and the legitimacy of the UN (Freedman, 2018). In response to criticisms, the UN tried to reform its operations, one of which was the establishment of the Department of Peacekeeping in 1992 (United Nations 1996). In addition, the UN took steps to ensure peacekeepers are bound by international humanitarian law by publishing a Bulletin on the “*Observance by United Nations forces of international humanitarian law*” (United Nations, 1999).

A UN committee on peacekeeping operations, chaired by then Under-Secretary-General, Lakhdar Brahimi, was instituted and its report published in 2000. Also known as the Brahimi Report, it was designed to introduce efficiency into peacekeeping operations (Durand, 2012). According to the Report, UN peacekeeping missions must be well outfitted with precise, satisfactory and attainable mandates (United Nations, 2000). The UN Security Council adopted Resolution 1325 in 2000 highlighting the issue of SEA in armed conflict as a threat to international peace and security. It called on all to protect women and girls from sexual violence (Barrow, 2010).

The UN has also initiated code of ethics for peacekeepers. In 2003, UN Secretary-General introduced zero tolerance policy which forbade sexual contact with people under the peacekeepers’ protection because the potential for exploitation and abuse was high (UN Secretary-General’s Bulletin, 2003). However, enforcement of the policy has been a big test (Layleh & Petesch, 2018).

The reforms of UN missions included a 2005 study carried out by Prince Zeid Ra’ad Zeid al-Husseini. The study was highly critical of the behaviour of peacekeepers (Defeis, 2008). While endorsing the al-Husseini report, then Secretary-General, Kofi Annan, described the acts of the peacekeepers as “*abhorrent*” and a “*violation of the fundamental duty of care*” (Bowcott, 2005). The UN General Assembly adopted the “*Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel*” (Res. 62/214) in March 2008. This was followed by UN Security Council Resolution 1820 adopted in June 2008, outlawing SEA in armed conflicts and demanding an end to it (Barrow, 2010). The Security Council on 11 March, 2016 adopted its first resolution on SEA involving UN peacekeepers (Res. 2272). Actions taken by the UN to punish erring personnel include firing of a top official for failing to take action (Sieff, 2016) and expulsion of troops involved in SEA. Other measures initiated by the UN include naming and shaming of perpetrators (O’Brien, 2016) and establishment of a trust fund to support victims.

## Why the Problem of Sexual Abuse Persists

The policies mentioned above have failed to curb SEA by peacekeepers, hence exacerbating the tendencies of peacekeepers involved in sexual violence. There are many reasons why peacekeepers commit sexual violence, but the most primary reasons are the act of immunity granted to UN peacekeepers, the failures of the UN, issues in command and control, and failures of troop contributing countries, among others.

When the UN introduced the concept of peacekeeping, it provided immunity for peacekeeping, shielding them from prosecution by the host state. The UN vested jurisdiction in their home governments and judicial system (Essa, 2017). According to UN policies, peacekeepers are under immunity and free from legal trials, prosecution or conviction by the local communities. If a peacekeeper must be prosecuted for sexual violence, he/she must be sent back to his/her own country home to face a panel of investigation and subsequently prosecution and conviction (Stern, 2015).

Closely associated with immunity is the culture of impunity entrenched in the UN system (Uddin, 2014). Allais (2011) identifies impunity as a dominant contributing factor to the persistence of SEA. Most of the policies of the UN against SEA are weak and cannot be enforced, thereby extinguishing accountability and promoting impunity. This singular act of immunity makes peacekeepers commit sexual violence and other dastardly acts with impunity.

The UN faces systematic challenges in command and control. Following allegations of SEA by its personnel in Congo Republic, it was found that embedded in the UN system were problems in management and regulation. In this regard, Fleshman (2005) observes that training, command and discipline of peacekeepers are shouldered by troop contributing countries, and “*This limits the ability of the UN to enforce standards of behavior in its mission*”.

Troop contributing countries have a duty to ensure accountability by their troops (Boom, 2016). In practice, however, individuals accused of crimes are rarely prosecuted when they are sent back home (O’Brien, 2016). Very few prosecutions have been initiated, and on reduced charges (Essa, 2017). The leadership of these countries often treats these allegations with levity, and sees such conduct as inevitable by-product of conflict (O’Brien, 2016). This is what PeaceWomen describes as the “*patriarchal structure of the international system*” The problem of underreporting is one of reasons sexual abuse has persisted. Women and girls raped by peacekeepers often do not report because of stigma and fear of reprisal (Stern, 2015). Peacekeepers are known to issue threats against their victims to stop them from reporting SEA to authorities.

The failures of the UN largely account for the perpetuation of sexual abuse (O’Brien, 2016). Despite claims of zero tolerance, sexual assault has persevered (Essa, 2017). The UN has been subjected to criticisms for perceived failures, acts of falsehood, secrecy and lack of accountability (Essa, 2017). In several situations, the UN has remained silent on allegations of sexual predation by its personnel; and has also been accused of failure to cooperate with affected states. Amid the multifarious criticisms, the UN finds solace in a grand cover-up (BBC, 2017). A UN aid worker was placed on suspension for revealing sexual abuses against children by French peacekeepers in CAR (Laville, 2015).

### **Sexual Violence in Armed Conflict as an International Crime**

In 1948, when UN peacekeeping started and immunity was bestowed on peacekeepers, SEA was still regarded as an inevitable consequence of war and therefore not criminally

punishable. Perpetrators of SEA in the Second World War were never prosecuted at Nuremberg or Tokyo Tribunals (Than & Shorts, 2003). However, the war in the defunct Yugoslavia and Rwanda changed the dynamics of international law with regard to sexual violence committed during armed conflict.

The Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) in Article 5(g) classified rape as a crime against humanity (United Nations, 2009). The same standard was replicated in the Statute of International Criminal Tribunal for Rwanda (ICTR), which categorised rape as a crime against humanity (Art. 3(g)). The Statute of the Special Court for Sierra Leone (SCSL) included rape and other forms of sexual violence as crimes against humanity (Art. 2). The Rome Statute of International Criminal Court (ICC) has also affirmed the new approach of international law which categorises “*rape, sexual slavery, enforced prostitution, forced pregnancy or other forms of sexual violence*” as war crimes (Art. 8) or crimes against humanity (Art. 7).

### **Individual Criminal Responsibility for Rape and Sexual Violence**

The doctrine of individual criminal responsibility finds expression in Articles 7(2) of ICTY Statute and 6(2) of ICTR Statute which state that the official status of an individual shall not exculpate criminal responsibility. Additionally, Article 27 of the ICC Statute (United Nations, 1998) does not exonerate anybody based on official status (Stewart, 2018). As encapsulated in the Statutes of ICTY, ICTR, SCSL and ICC, individuals were prosecuted and convicted for SEA in the conflicts in former Yugoslavia, Rwanda, Sierra Leone and DR Congo (Than & Shorts, 2003). At the ICTY, an army commander from Croatia was charged in connection with rape and sexual assault and found guilty on both counts of war crimes (Prosecutor v Furundzija Case No. IT-9-9171A, Judgment (July 21, 2000). In another case, Prosecutor v Zenjnil Delalic, Zdravko Mucic, Hazim Delic and Esad Landzo, Case No. IT-96-21 (Celebici Camp Case), the ICTY recognized rape as a form of torture, and as such a grave violation of the Geneva Conventions.

In one of its landmark decisions, the ICTR held that rape and sexual violence constituted crimes against humanity under Article 3 of the Rwanda Statute, and also a constituent element of the crime of genocide (Prosecutor v Akayesu Case No. ICTR 96-4-T, Judgment, Sep. 2, 1998). In another case, a former Rwandan government minister and her son were charged for organizing the kidnap and rape of women and girls. Both were held culpable for crimes against humanity and sentenced to life in prison (Prosecutor Nyiramasuhuko & Ntahobali Case No. ICTR-97-21).

Individuals who perpetrated rape and sexual violence in the conflict in Sierra Leone were prosecuted at the Special Court (Teale, 2009). The former president of Liberia, Mr. Charles Taylor, was convicted of rape and sexual slavery in relation to the conflict (Prosecutor v Charles Ghankay Taylor, Case No. SCSL-03-01). The ICC has also handled cases involving rape and sexual violence, one of which was against Congolese militia leader, Bosco Ntaganda. He was convicted of rape and sexual slavery (Prosecutor v Bosco Ntaganda, Case No. ICC-01/04-02/06).

### **No Immunity or Amnesty for International Crimes**

It is settled under current international law that perpetrators of heinous crimes cannot claim immunity (Simic, 2015). During the trial of rebel leaders in Sierra Leone at the SCSL, they relied on the blanket amnesty granted to them under the Lome Peace Accord of July 7, 1999. The Trial

and Appeals Chambers ruled that the amnesty did not dispense with the possibility of punishing perpetrators of international crimes. Drawing an analogy from the Statutes and jurisprudence of ICTY, ICTR, SCSL and ICC, current international law does not exempt an individual from criminal responsibility on the basis of his status (Foakes, 2011). It was argued on behalf of Mr. Charles Taylor that he enjoyed immunity from prosecution as a sitting head of state, but this was rejected by the SCSL. The ICC has also denied heads of state any claim of immunity. The behaviour exhibited by UN personnel in the name of peacekeeping has been adjudged despicable, and cannot be excused by simply claiming immunity or amnesty (O'Brien, 2016). As arms bearers, there can be no binary standards in international law, one for belligerents, and another for peacekeepers. If anything, the standard for peacekeepers, who are protectors and defenders of human rights, should be higher (O'Brien, 2016).

### **Towards Greater Accountability and Reforms**

Accountability remains a major problem in UN peacekeeping missions (Venigandla, 2021; Rashkow, 2018). The UN has set a high standard of behaviour for its personnel deployed for peacekeeping duties. However, several infractions have occurred in the line of duty, perpetrated by the peacekeepers, principally gross human rights abuses in their host countries. The UN alleges that all credible reports are investigated and appropriate actions taken, if the reports are found to be true. But nothing tangible or spectacular has resulted from the investigations.

Within the UN, repulsive conduct of peacekeepers only attracts denunciation, relocation or repatriation of the offender to his home country. According to Lorenzo (2019), in the last 15 years, there had been over 1,700 incidents of sexual abuse by UN personnel in deployed in areas of conflict. In spite of the huge figure, only 53 military personnel and a civilian had been jailed for sexual crimes (Lorenzo, 2019). This may well explain why the problem has defied solutions.

The UN lacks the competence to prosecute them as jurisdiction is solely vested in their governments (Gowrinathan & Cronin-Furman, 2017). It must be pointed out sexual violence in the context of armed conflict is no longer an inevitable aftermath of war, but a crime punishable under contemporary international criminal law (Robertson, 2002). Perpetrators, irrespective of status, must be held accountable for their conduct (Bosco, 2017; Rashkow, 2018). As Simic (2015) has observed, "*We need to ask for greater accountability and prosecution of peacekeepers' crimes*" (Deschamps et al., 2015). Different options have been articulated for the prosecution of offending peacekeepers such as the deployment of the ICC, ad hoc or hybrid tribunals or a new court system (Giles, 2017; Ferstman, 2013).

### **Mandatory Prosecution by TCC**

The issue of accountability of can be dealt with decisively by an agreement mandatorily requiring troop contributing countries to try their personnel implicated in sexual violence (Simic, 2015). This means such countries should enact or update appropriate legislation which enables them to assume jurisdiction over crimes committed by their citizens abroad. The UN can assist them in the area of cost, gathering of evidence and availability of victims and witnesses. While some states investigate and prosecute their personnel for SEA, others simply ignore it (Jennings, 2017). The same standards must be established for all troop contributing countries.



## Establishment of a Special Court for Peacekeepers

Peacekeepers' immunity is not sacrosanct, as the Secretary-General can shelve it in respect of weighty crimes (Askin, 2016). In order to end impunity and strengthen accountability in peacekeeping missions, the UN can establish an independent body to look into claims of sexual abuse by peacekeepers and set up special courts to try perpetrators (Odello, 2010; Jennings, 2017). In this regard, the UN can renegotiate the Status of Forces Agreements (SOFA) to enable it establish special, hybrid courts to try peacekeepers who perpetrate sexual violence in their places of deployment. Rape and all forms of sexual violence perpetrated in situations of armed conflict, have been recognized as war crimes, crimes against humanity or constituent element of genocide and cannot be brushed off because they are committed by peacekeepers. In the eyes of current international law, such peacekeepers are not different from Boko Haram or any other insurgent, terrorist, or extremist group that deploys SEA as a tool of war.

The composition of the courts should be taken into consideration in order to assure all parties of the fairness of such trials. This may require adjudicators of the special courts to be selected from troop contributing countries, the host country and the UN (Askin, 2016). Proceedings should take place in the host country to afford victims and witnesses opportunity to participate (Askin, 2016). Prosecution of peacekeepers at UN-backed special courts would engender some advantages. It will deter peacekeepers, curtail the propensity for sexual violence and enhance the credibility of UN missions. Prosecution will serve as a reminder that offending peacekeepers may not return home to a good life, after committing heinous crimes in their places of deployment. The TCC will take the issue of vetting and selection more seriously and not just deploy anybody to represent them. It will also provide justice and closure for the victims, who have often cried out over alleged UN inaction and cover-up.

## Other Measures

In addition to criminal prosecution, peacekeepers need proper training and vetting ahead of their deployment. States need to review and update their legal systems to address criminal behaviour and accountability by their troops deployed abroad. Peacekeeping missions should be gender-sensitive, enlisting more women (Baldwin, 2020; Mowell, 2018) and taking into consideration UN Security Council Resolution 2538 on women and peacekeeping (S/RES/2538 of 2020). Victims should be empowered to bring civil action against their violators or the UN for compensation since the peacekeepers were in their service, and under their control.

## CONCLUSION

The UN depends on peacekeepers to protect human rights and promote peace and security in environments of armed conflicts. Since their first deployment in 1948, UN peacekeeping missions have brought stability to several war-worn countries. Sexual abuse became an issue in their operations in the early 1990s. Since then, it has been a prevalent element in peacekeeping missions, rooted in impunity, UN ineptitude, laxity and colossal failures. Peacekeepers are to exhibit the highest level of discipline and professionalism in the conduct of the business of the organization. Adoration for local laws and practices, respect for inhabitants of host communities should be an essential component of their training. They should be tactful and exhibit acts of

courtesy, impartiality and integrity in their places of deployment. There is no justification for peacekeepers to commit heinous crimes and go unpunished because the impunity undermines expectations for enduring peace around the world, and tarnishes the credibility of the UN. Cultivating accountability through criminal prosecution will enhance their missions. Therefore, the UN is in urgent need of reforms towards accountability, and the time to do it is now.

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