

Sexual Abuse and Exploitation at the Hands of Peacekeepers: A Threat to the Legitimacy of Both the United Nations and Human Security

Kristina Rosa Proulx
University of Ottawa

Abstract

Whereas much of the existing scholarship focuses on the implications of sexual violence in conflict and post-conflict reconstruction as a tool of war, this paper instead seeks to explore the implications of sexual exploitation and abuse at the hands of peacekeepers. As allegations of sexual violence by peacekeepers have continued to persist, these reports identify a potential legitimacy crisis not only for peacekeeping operations and the United Nations, but of the evolving concept of human security. Constituting a paradigm shift of sorts, the streamlining of the concept of 'human security' has visibly begun to influence and change global politics and institutions. This paper explores these additional considerations while identifying two specific challenges to addressing the problem, specifically militarized masculinity and the fragile and complex environments in which peacekeeping operations operate in.

Introduction

Whereas much of the existing scholarship has explored gender-based sexual violence in conflict and post-conflict reconstruction in the context of it being used by armed groups (with a further distinction being made between state and non-state actors), as well as its persistence in refugee and internally displaced persons (IDPs) camps (Steinkogler 2013), little has been done empirically to explore the reoccurring reports of sexual violence at the hands of United Nations (UN) peacekeepers. Since 2001, allegations of sexual violence by peacekeepers have been documented in Bosnia, Eritrea, the Democratic Republic of the Congo (DRC), Haiti, Kosovo, East Timor, Mozambique, Cote D'Ivoire, Guinean, Sierra Leone, and Somalia (Alexandra n.d.); these events raise various concerns, as the role of a peacekeeper tends to be accompanied by a certain amount of power and influence. While academics have posited various reasons for the uncertain legitimacy facing both peacekeeping and the UN as a multilateral institution in recent times (Gray 2007), the following paper will instead explore the repeated occurrence of sexual exploitation and abuse (SEA) by UN peacekeepers in recent operations, as well as the potential implications these reports have not only on the legitimacy and image of peacekeeping operations, but also the UN's role in perpetuating the 'human security' paradigm throughout its programmes and activities.

This paper will proceed in several parts. First, it will conceptualize SEA and its relevant terms, including conflict-related, gender-based sexual violence, specifically situated in circumstances where UN peacekeepers may be present. Second, it will provide an overview of the 'human security' paradigm, and explore the UN's role in perpetuating the term throughout its agencies and activities, as well as the various implications this understanding of security has for how peacekeeping activities are approached. Third, it will provide an analysis of SEA in peacekeeping operations since 1999, and discuss the implications of these reports in two sections on both human security and peacekeeping legitimacy. Finally, this paper will explore two specific challenges to addressing SEA in peacekeeping operations (while acknowledging that there are several more which could be explored), specifically the 'militarized masculinity' which is

perpetuated in peacekeeping operations as well as the fragile and complex environments in which peacekeeping operations operate in, ending on a brief discussion of some of the various policy options available to the international community to address these. This paper seeks to provide insight on the implications of SEA in peacekeeping operations, not only on peacekeeping operations and the image of the UN, but on the evolving concept of human security, which thus far has not been explored deeply in the existing scholarship.

Sexual Exploitation and Abuse (SEA) in Conflict and Post-conflict Situations

In contrast to the term ‘sexual violence’, conflict-related, gender-based sexual violence is concerned with the presence of male perpetrator/female victims acts of violence in conflict (Steinkogler 2013), and seeks to focus our attention to the increased vulnerability of women to both acts of violence and sexual violence in conflict situations. Steinkogler (2013) differentiates between sexual violence and gender-based violence on the basis that the latter is a much narrower category, consisting of violence which occurs primarily because of a victim’s gender and the perceived social roles that this understanding of gender encompasses. The justification for this distinction in the context of this paper is due to the considerable evidence that while acts of violence and sexual violence in conflict and post-conflict situations against male victims is indeed prevalent (Carpenter 2006), the overwhelming number of reported cases of SEA at the hands of peacekeepers is against women victims. SEA, the term most often used to connote sexual violence by the UN and its agencies (Bastick, Grimm, and Kunz 2007; Ndulo 2009), is the most common form of sexual violence perpetuated by UN peacekeepers (Behr 2011). Additionally, the role of sex and gender is worth greater emphasis — as men and women experience conflict in different ways (arguably because of their gendered social roles and perceived gender power relations (Steinkogler 2013)). For instance, the 2014 update of the Beijing Declaration acknowledged that in conflict, women often become the caregivers for injured combatants and households, constitute a greater number of the world’s refugees and IDPs, and are overwhelmingly the victims of systematic rape as a method of persecution (UN Women 2014).

SEA is becoming particularly contentious, having been recognized as a war crime, a crime against humanity, and in some circumstances, an instrument of genocide (Cahn 2006; Council of Europe 2009). The focus on peacekeepers notably in committing these acts is supported by evidence that a higher incidence of allegations of SEA has occurred against peacekeeping forces than any other UN staff, with staff from the Department of Peacekeeping Operations (DPKO) being implicated in the majority of cases which have come to light (Csaky 2008). As there has been a dramatic increase in peacekeeping operations in recent decades, with 71 reported peacekeeping operations since 1948 and 16 current peacekeeping operations as of August 31, 2015 (United Nations 2015), it is certainly worth exploring deeper what may be an increasingly prevalent issue if changes are not made, and one which provides challenges for both state and UN policy and politics. Although the author discusses it more explicitly in the context of intervention, Uesugi (2004) highlights that as the primary task of humanitarian interventions of any sort is to ease human suffering, allegations of SEA potentially undermine this. Because of this, it is worth exploring in greater detail allegations of SEA in peacekeeping operations both in the context of human security, as will be explored further in the following section.

The United Nations and the Emergence of ‘Human Security’

In 1994, the United Nations Development Programme (UNDP) issued the Human Development Report which defined ‘human security’ according to seven dimensions: personal, environmental, economic, political, community, health, and food, while also moving these concepts away from traditional state-

centric applications and instead reinforcing a people-centric agenda. The emergence of this concept, and the evolving global norms which have accompanied it are significant, as Tsai (2009) posits that it has visibly begun to influence and challenge global politics, institutions, and governance. The (arguable) acceptance surrounding human security and the streamlining of the concept into various UN activities and programmes is powerful, signifying a move away from the state-centered conception of security, which traditionally focused on military defense of the state and a realist conception of state power, and instead focusing the global agenda on prioritizing both 'freedom from want' and 'freedom from fear'.

SEA, and acts of sexual violence more generally, make it difficult to think of security in terms of the nation state or territory alone (International Development Research Centre 2001), as the referent object of security becomes not the state, but the individual and their physical integrity. Behr (2011) suggests "the issue of peacekeeper perpetrated SEA onto the international stage as a new global women's issue and an expansion of the concept of human security" (p. 101). In this paper, the focus on the potential detrimental effects on legitimacy of SEA by peacekeepers is due to the notion that while the human security agenda and its focus on the security of the individual could provide justification for peacekeeping operations despite arguments for state sovereignty and against intervention, sexual violations by peacekeepers which instead threaten individual security consequently contradict the human security agenda, and risk its legitimacy in UN policies and programmes.

SEA: Impacts on 'Human Security' and UN Peacekeeping Legitimacy and Image

Reports of SEA by peacekeepers first surfaced in 1999, when Human Rights Watch released a report of sexual exploitation by peacekeepers in refugee camps in Guinea (Wilson and Singer Hurvitz 2014). Since then, similar claims have been made in a number of countries, including Guinea (2001 reports), Liberia (2001 reports), Sierra Leone (2001 reports), the Democratic Republic of the Congo (2004 reports), Haiti (2007 reports), Cote D'Ivoire (2007 reports), Sudan (2007 reports), and Somalia (2012 report) (Ndulo 2009). The following section will explore the greater implications of these acts of SEA on the UN, first in a discussion of the impact of SEA on the UN's propagated concept of 'human security', followed by a discussion of the implications of SEA on the legitimacy of the UN, both as a multilateral institution as well as its peacekeeping missions.

The Impact of SEA in Peacekeeping Operations on 'Human Security'

As discussed in the previous sections, in contrast to the traditional conceptualization of security which focuses on hard threats and the physical safety of individuals, human security instead attempts to move past this simplistic understanding of what security entails, and aims to respect the dignity and fundamental freedoms of individuals; these include 'freedom from want' and 'freedom from fear' (Gomez and Gasper n.d.). While Steinkogler (2013) suggests that in conflict and post-conflict situations "expectations are often high that the presence of international actors such as peace operations can transform the situation of women and advance gender equality," (p. 24) reoccurring accounts of SEA in peacekeeping operations threatens the role of the UN in both promoting and protecting human security, while also adding an element of hypocrisy to the human security agenda. Acts of SEA risk not only the dignity and well-being of women in conflict and post-conflict reconstruction situations, but additionally have the potential to undermine the long-term success of peacekeeping operations. Behr (2011) suggests that SEA by peacekeepers indirectly exacerbates the already unstable situation, as well as adding to the victimization of women in conflict. These actions work counter to protecting human security, as well as counter to various post-conflict reconstruction efforts that may be ongoing, both those being undertaken by the UN as well as other parties, such as non-governmental organizations. In many cases, peacekeeping

operations operate in post-conflict countries which may have previously experienced ongoing sexual violence as a tool of war. While the UN identifies governments as retaining the primary role of ensuring the human security of their populations (United Nations Trust Fund for Human Security n.d.; United Nations Trust Fund for Human Security 2014), it also acknowledges that additional actors may be expected to perform a role in protecting human security when a government finds itself unfit to do so.

Consequently, this ongoing trend of reports of SEA in peacekeeping operations is especially concerning. As previously mentioned, the concept of 'human security' was first introduced by the UNDP itself and the people-centered aspect of the concept has been present in various UN programmes and activities since. This paper suggests that SEA by peacekeepers violates one of the human security paradigm's most basic principles, that of "freedom from fear". According to the 1994 UNDP report, freedom from fear can mean "protection from sudden and hurtful disruptions in the patterns of daily life" (p. 3). While populations undergoing conflict and post-conflict reconstruction are already undergoing threats to their human security, as these environments undoubtedly cause disruptions in their day to day activities, SEA by peacekeepers causes additional disruptions. In a discussion on the various aspects of human security, the 1994 UNDP report stresses that "no other aspect of human security is so vital for people as their security from physical violence," (p. 30) listing several types of violence which this category would include, such as 'threats directed against women (rape, domestic violence)' and 'threats directed at children based on their vulnerability and dependence (child abuse)', both of which occur in the reports of SEA against UN peacekeepers. These notions are well engrained in the existing literature - in a paper by the United Nations Trust Fund for Human Security (2009) titled *Human Security in Theory and Practice*, 'Personal Security' is listed under the list of Human Security Components; further included under this category is both freedom from fear and indignity, which the report explicitly lists as including the abuse of power by security forces.

SEA in Peacekeeping Operations and the Implications for UN and Mission Legitimacy

Bastick, Grimm and Kunz (2007) emphasize the fact that peacekeepers are, by the nature of their job and mandate, expected to operate in situations that are "generally characterized by a breakdown of law and order, poverty, the dislocation of community structures, population displacement, and various forms and degrees of conflict-related human suffering and trauma" (170). Because of this, civilians are often overly dependent on peacekeepers and the presence of international actors, and thus may have high expectations of their roles in preserving and supporting peace efforts. This provides for additional tensions: in conflict and post-conflict situations where a state may often be failing to provide even the most basic necessities, such as food and shelter (or in some cases, actively perpetuating and engaging in the violence), women and girls may find engaging in sexual activities with peacekeepers and other personnel from the international community to be the easiest way of accessing these provisions (Bastick, Grimm and Kunz 2007). In a study on the prevalence of SEA by peacekeepers against children, Csaky (2008) found that "children as young as six are trading sex with aid workers and peacekeepers in exchange for food, money, soap and, in very few cases, luxury items such as mobile phones". The fact that peacekeepers often have a significantly higher income level than those of the members of the population in the areas that they operate may provide additional strains (Ndulo 2009).

This paper argues that the unequal power relations between peacekeepers and civilians, as well as the degree of influence which peacekeepers have during missions suggests that, regardless of whether or not the sexual activities which peacekeepers engage in are consensual in nature, the peacekeeping personnel are still in a position of power and authority over the individual. Peacekeepers tend to have access to resources (such as money and food) that an individual in conflict may seek, indicating that consent may instead be as a result of humanitarian needs not being met. Bastick, Grimm and Kunz (2007) echo this,

stating that “whether it is having sex with peacekeepers, suffering sexual exploitation, rape or domestic violence within one’s own community, or falling victim to traffickers, vulnerability to sexual violence is inextricably linked to poverty, gender discrimination, and social injustice” (175). Behr (2011) provides additional insight, suggesting that regardless of whether or not the sexual act was consensual, the “grossly different positions of power” between peacekeeper and civilian allows for it to be defined as sexual abuse.

As peacekeepers have the ability to exert both power and influence over the populations which they serve, actions which exploit this position serve to threaten the legitimacy of both the UN and its peacekeeping operations (Csaky 2008). Ndulo (2009) suggests that allegations of SEA by peacekeepers has been damaging to both, “mainly by undermining the peacekeeping mandates and by generating a negative image of the United Nations in the media” (p. 130). Whereas peacekeepers are expected to be held to a higher standard of moral authority than the average citizen, even referred to as “model citizens” (Behr 2011), considering the conditions they willingly work in and the element of impartiality and neutrality which is expected of them, a prevalence of reports of SEA by them undermines the legitimacy of both their role, and of the mission’s legitimacy and effectiveness. In her article, Behr (2011) makes reference to a report by Prince Zeid of Jordan on the topic, where he wrote that the UN “should not in any way increase the suffering of vulnerable sectors of the population, which have often been devastated by war or civil conflict,” (p. 1) suggesting an expectation that peacekeepers are employed to improve the situations of the regions in which they work, not to add to suffering. SEA conflicts with these notions. Further, in some cases SEA by peacekeepers could even harm the relationship between the host nation of the operation and the UN, adding additional tension to the subject of UN legitimacy and the success of missions, when a relationship of trust between host country and the UN is seen as necessary for success (Chun 2011). Consequently, the following section will explore two of the main challenges for addressing these reports, as well as suggesting several policy prescriptions.

Challenges and Policy Prescriptions

There are a number of challenges in addressing the prevalence of SEA in peacekeeping operations. The UN has taken various steps in doing so, as well as attempting to better include aspects of gender into its activities through attempts at gender-mainstreaming. While this list is not exhaustive, these steps have included: Resolution 1325, adopted in 2000, which acknowledged the UN Security Council’s willingness to incorporate a gendered perspective into peacekeeping operations, as well as the disproportionate impact that conflict has on women (Steinkogler 2013); the UN DPKO subsequently set a target of having 10 per cent of all peacekeeping forces being women, although as of 2007 progress on this target was still limited (with only 1.92 of peacekeeping operations consisting of women) (Bastick, Grimm, and Kunz 2007); a 2003 report by UN Secretary General Kofi Annan which outlined the UN’s strict policy against sexual misconduct; and evidence that progress has reportedly been made in better implementing and enforcing a zero tolerance standard for violent crimes by all UN personnel (Ndulo 2009). However, despite efforts to curb SEA by peacekeepers and enact a “zero tolerance” policy, rhetoric has not been met with accountable action, thus reports of SEA continue.

One of the primary challenges, which is both an issue caused by host states as well as the international community and which will not be explored in detail in this paper but deserves attention is under-reporting: while sexual violence is underreported in both situations of conflict as well as areas where conflict is not prevalent, it is much more prevalent in conflict (Ndulo 2009). Csaky (2008) suggests several reasons for this, including that victims are concerned about losing the assistance that they may be receiving from both the perpetrators as well as the peacekeeping missions; fears of stigmatization; the potential threat of retaliation or retribution as a result of their ongoing powerlessness; a lack of knowledge of how to report

these types of abuses; a lack of an effective legal system to have confidence in, as well as a lack of faith in the response if they do report abuses. Wilson and Singer Hurvitz (2014) utilize the example of Somalia to demonstrate this. The lack of effective legal systems in states experiencing conflict is especially concerning, as it suggests another justification for the unequal power relations between peacekeepers and women in the areas that missions operate, which may make them more vulnerable to SEA.

Additionally, as a result of the Memorandum of Understanding between the UN and member states, peacekeepers are notably immune from being prosecuted by either the UN or the host country of the peacekeeping mission (Behr 2011); rather, it is expected that the country of origin of each peacekeeper instead has the responsibility to prosecute. However, this proves challenging, as many countries choose not to prosecute their own nationals (for various reasons, such as self-interest, failure to recognize that what their contributed peacekeepers did was a crime, or because they may not have the resources and capabilities to follow through with an investigation in another fragile country) (Behr 2011). Additionally, the UN has little say on whom contributing countries choose to send as additions to peacekeeping missions, the disparity between men and women peacekeepers, or the extent and type of training that peacekeepers receive prior to being sent on missions (and whether or not this training includes an intensive gender sensitivity element). Because of this, although peacekeepers operate under mandates defined and fashioned by the UN, the UN often has little control over the compilation of its peacekeeping forces.

While acknowledging these concerns, the following subsections will focus specifically on the two specific challenges: the challenges associated with “militarized masculinity” and its prevalence in peacekeeping operations, followed by an analysis of the inherently unstable and chaotic environments in which peacekeeping operations take place. Following a short overview of each of these issues, policy prescriptions will be suggested. There are additional challenges in addressing the ongoing reports of SEA by peacekeepers; however, instead of providing an analysis of each as well as policy prescriptions, this paper will focus on the two which may be the easiest to address in the short-term and without major changes to the mandates of peacekeeping missions or the legal instruments which are involved.

Peacekeepers and the Internalization of a “Militarized Masculinity”

Lopes (2011) suggests that the military both creates and perpetuates a particular identity of ‘militarized masculinity,’ described as a “combination of traits and attitudes that are hyper-masculine, hegemonic, and are associated primarily with military identity” (p. 3-4). Echoing this, Steinkogler (2013) suggests that acts of SEA by peacekeepers exemplify an “explosion of hypermasculinity,” a trait often associated with, and actively encouraged by the military. The role of the military in creating identities such as these is significant; evidence maintains that almost three quarters of all peacekeeping personnel are military trained, suggesting that these identities may persist throughout peacekeeping operations (Bastick, Grimm, and Kunz 2007). Behr (2011) posits that this has potentially troubling implications for the success and perceived legitimacy of peacekeeping operations, as the traits and characteristics which make good soldiers within a military context do not necessarily make for good peacekeepers. This paper suggests that to remedy this, a greater amount of gender-sensitivity training should be required not only before peacekeepers enter into fragile states but routinely throughout missions, and a more sophisticated screening process provided by the UN should be developed to ensure that peacekeepers which are deployed have the moral character to live up to UN standards (this might also suggest that the UN needs to create a list of standards). Additionally, while the military perpetuates a certain type of identity, this may raise additional questions concerning whether this identity and set of characteristics is what is ideal in a peacekeeping role, or whether or not we should be recruiting peacekeepers from other venues.

The Chaotic Environments in Which Peacekeepers Operate

Ndulo (2009) posits that in addition to the environments in which peacekeepers operate allowing for women to be more vulnerable to SEA, the notion that these areas are chaotic and without rules also contributes to a feeling amongst some peacekeepers that they can engage in these violations with very little to no consequences. As she states, “peacekeeping missions are composed of troops from different states, so that the troops remain members of their respective armed forces and do not constitute an independent UN army with serious consequences for the implementation of disciplinary measures” (148). The chaotic and unstable environment in which peacekeepers operate are often characterized by both a social and a moral collapse of society, where both the social norms and the mechanisms which act to prevent sexual violence are undermined (Steinkogler 2013), and which may create additional opportunities for SEA to take place at the hands of both peacekeepers and other perpetrators. This is in addition to unstable environments providing the feeling that there is little chance these violations would be subject to punishments of any kind, either in the host country or in the peacekeepers country of origin, if these reports were even able to make it to the reporting stage (Behr 2011). Steinkogler (2013) suggests that in environments such as these, sexual violence can be ‘opportunistic’: actors may take advantage of the disintegration of society, norms, and legal systems which could hold them accountable for their actions. Several authors cite the Status of Forces Agreement (SOFA) as an existing challenge, which generally allows for peacekeepers to be immune from prosecution in the home states in which they carry out their missions, and leaves the contributing states with the sole authority to discipline troops who commit violations while abroad (Ndulo 2009).

To address this, this paper suggests that while it may be difficult to disengage from some of the existing legal instruments which provide a challenge to situations such as these, the UN should seek to include both a greater number of females in peacekeeping operations (perhaps a mandatory quota which states must contribute in order to be able to contribute personnel at all, where money often acts as an incentive for peacekeepers), as well as a clearer code of conduct during missions which suggests what must be done in the case of allegations of SEA (such as the chain of command which reports go through, the unpaid leave of absence which the accused must undergo during the investigation, etc.). While no two peacekeeping missions are configured the same, evidence suggests that the number of men in each far outweighs the number of women, (Harrington 2010), which might make it more difficult to address women’s vulnerabilities during operations. While the latter may prove more difficult, I suggest that while providing greater disincentives to bad behavior within the mission and various personnel (instead of focusing efforts on encouraging host countries or countries of origin to investigate or prosecute allegations), SEA would hopefully appear to be a less viable option.

Conclusion

In conclusion, both peacekeeping operations and the UN’s legitimacy in promoting the ‘human security’ paradigm are facing insurmountable challenges. While the previous literature may have avoided discussing the two issues together, I argue that elements of human security and the UN’s efforts to promote it are inherent in peacekeeping operations, such as through the focus on protecting an individual’s securities over that of the state, as it has been found that state actors themselves can be the ones engaging in violations against their populations. Sexual exploitation and abuse, or SEA, at the hands of peacekeepers has negative implications not only for post-conflict reconstruction efforts, but acts to undermine the UN and peacekeeping all together. Action is needed: the number of ongoing peacekeeping operations continues to rise, and while men continue to outnumber women in peacekeeping forces, the

number of reports of SEA by peacekeepers continues to grow. Although there are a number of deep causes and institutional implications which cannot immediately be addressed (such as the existing legal instruments which disallow the UN or the host country from persecuting peacekeepers for acts of SEA against the population), other issues such as the prevalent militarized masculinity as well as the environment in which peacekeeping operations engage can be addressed. Whereas peacekeeping, as well as security studies more generally, may have previously been male dominated (Harrington 2010), both a greater number of women in decision making positions as well as peacekeeping forces, in addition to a greater sensitivity to the different ways in which women and men experience conflict could help to reduce the instances of sexual violence by peacekeepers. These changes should be seen as both necessary and required in the near future, in hopes of maintaining both UN and peacekeeping mission legitimacy in a world in which the UN is finding increasingly diverse challenges.

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