



When peacekeepers do damage
**SEXUAL EXPLOITATION AND ABUSE IN
THE DEMOCRATIC REPUBLIC OF CONGO**

Deploying more female soldiers in peacekeeping missions will not in itself prevent sexual exploitation and abuse. Strengthening gender training and investigative capacities are small, yet feasible steps forward.

According to United Nations Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325), increasing the number of female peacekeepers will reduce sexual exploitation and abuse (SEA) in peace operations. However, this does not seem to be the case in the Democratic Republic of Congo (DRC), where UN peacekeepers from South Africa have been more involved in SEA than peacekeepers from other nations, even though the South African National Defence Force (SANDF) has

RECOMMENDATIONS

- The UN and troop-contributing countries (TCCs) should enhance cooperation between the UN conduct and discipline teams and the national investigation teams.
- The UN and TCCs should strengthen in-mission investigative capacities to ensure the availability of reliable evidence and local witnesses.
- The UN should put pressure on TCCs to hold their defence leadership accountable for effective command and control enforcement.
- There should be a focus on continuous gender training in all units, both prior to and during deployment.

18% of the South African peacekeepers deployed in MONUSCO are women, compared to an average of 3.8% for all UN peacekeeping missions

There is often a gap between UN's definition of SEA on the one hand, and the legislations in the troop-contributing countries on the other. For instance, in some countries prostitution and sexual relations with minors are considered legal activities.

the highest number of female peacekeepers deployed in the DRC. In the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), 243 of the 1351 SANDF troops deployed (18%) are women. However, changing a military culture that tacitly accepts SEA as a part of everyday life in the camps requires more profound measures than simply deploying more women.

'An army of sex pests' in the DRC

In mid-2015, the South African newspaper Times called the SANDF an 'army of sex pests', referring to a UN investigation that identified the force as having the highest record of SEA-related cases of all troop-contributing countries (TCCs) in UN missions from 2008-2013, with nine substantiated allegations of SEA. From 2008-13, 45% of all SEA cases in UN missions happened in MONUSCO.

This is not a new issue for the SANDF, but has been widespread throughout its various deployments in African conflicts in, for example, Burundi, South Sudan and Darfur. However, officialdom has taken a long

time to acknowledge the problem. Back in 2004, the then Minister of Defence M. Lekota claimed before the South African parliament that the SANDF was well respected, at the same time as the then MONUSCO force commander was summoning the SANDF contingent commander to Kinshasa in response to the alleged ill-discipline of the South African contingent. To defend itself against the 2015 UN report, the South African Department of Defence claimed that the statistics used in the report were misleading, as some of the cases were actually old cases that the UN had reopened. It was further argued that, because the SANDF is transparent about the challenges it faces in relations to SEA, it is confronted with a higher number of accusations than other TCCs.

Despite these explanations, the SEA cases were a major embarrassment for South Africa and its armed forces. Hence, the SANDF reacted promptly. In September 2015, more than fifty deployed SANDF personnel were repatriated for breaching UN and SANDF codes of conduct. Furthermore, in an attempt to adhere to UN guidelines, the SANDF has deployed a

WOMEN IN THE SOUTH AFRICAN NATIONAL DEFENCE FORCE

After the end of apartheid, South Africa created a new national defence force. The process revolved primarily around the integration and transformation of non-state armed groups into the national defence force. However, it also included principles of gender and racial equity enforced by quotas.

The integration process led to dramatic changes in the race and gender profile of the armed forces and its normative underpinnings. In 2016, nearly 30% of SANDF personnel were women. Policy-makers expected that the inclusion of more women at all levels of military

personnel would significantly de-militarize the SANDF itself, especially given its role in the militarized society of the apartheid era. This 'de-militarized' military was to be a positive ambassador of the new South African state through its deployments elsewhere in Africa, including the DRC.

In operational terms, the SANDF plays an important role in MONUSCO as part of the Force Intervention Brigade. However, in 2015 a UN investigation found the SANDF to be topping the list of troop-contributing countries with the highest number of substantiated SEA allegations.

National Investigation Team and organized court martial in areas of deployment to investigate and prosecute soldiers guilty of committing SEA. This has increased cooperation with UN investigations team, as well as on-site investigative capacity. Thus, on the institutional side, the ongoing disciplinary cases against force members seem to have had an impact.

Legal ambiguity and inadequate investigations

The investigations in the DRC found that the cases fell into two legal categories, one being SEA, the other cases of violations of conduct and principles of discipline that, more often than not, include paternity and child maintenance claims. While the UN and the SANDF accept neither of them, cases of paternity and claims for child maintenance are more ambiguous because the boundary between sexual exploitation and consenting adults having sex can be difficult to draw.

Furthermore, there is often a gap between UN's definition of SEA on the one hand, and the legislations in the TCCs on the other. For instance, in some countries prostitution and sexual relations with minors are considered legal activities. Thus, some

TCCs may not consider having a sexual relationship with a Congolese person a criminal offence. Therefore, while the UN might condemn an act of SEA according to its own definitions, it is the TCCs that are responsible for prosecuting and penalizing the offenders according to their national legislation. Consequently, there is a gap between the legal processes of different TCCs and the UN system.

Despite belonging to different legal categories, both SEA and investigations of paternity and child maintenance claims rely on access to adequate evidence. In war-torn countries like the DRC, legal systems are rarely independent and free from corruption. Bribing witnesses not to testify, to testify falsely or to obtain 'evidence' is widely practiced. According to a SANDF legal officer interviewed for this study, it often takes a few days before the National Investigation Team arrives in the mission area. In the meantime, evidence often gets lost, and the names of witnesses can be difficult to identify.

While challenges to obtaining reliable and adequate evidence persist, it remains to be seen whether the measures taken to increase investigative capacity will



Displaced woman with her child in Mugunga IDP camp in the outskirts of Goma, DR Congo © Sylvain Liechti/MONUSCO

be enough to change a damaging institutional culture and problems with command and control among sections of the SANDF.

Command and Control Challenges

While UNSCR 1325 expects that increased deployments of female peacekeepers will limit the frequency of SEA in peace operations, studies show that they have a very limited impact on the off-duty behaviour of their male colleagues. Furthermore, expecting women to police their male colleagues may exacerbate existing discrimination against them. This shows that it takes much more than the mere presence of women to change an entrenched military culture that tacitly accepts SEA as a part of everyday life in the camps. It also indicates that the SANDF has a significant command and control problem. The SANDF has highlighted this on several occasions, suggesting that its commanders should be provided with stricter measures to invoke discipline in the field, rather than waiting for the military courts to rule on cases. The necessary legal changes, however, remain in preparation and have still not been tabled in parliament.

South Africa's National Treasury has asked the SANDF to retrench 16,000 troops in the coming three years. A good start to this process could be to let go of the worst SEA offenders. If the SANDF leadership does not take the issue seriously and fails yet again to remedy its disciplinary problems, its reputation as a qualified peacekeeping force in Africa will be severely damaged. Changing a culture, however, takes more than simply retrenching the groups of personnel who

have been involved in SEA. It also requires improving gender awareness and discipline among those who remain in the force, including in particular the officers in charge of personnel and training.

Inadequate gender awareness training

The 2015 South African Defence Review states that the future SANDF will be a representative, equitable and gender-aligned force. The Review also acknowledges that gender perspectives need to be integrated at all levels of peace operations to secure sustainable peace. Furthermore, in July 2015, a South African National Action Plan was initiated to implement and increase the focus on gender mainstreaming, including efforts to change the existing masculinized culture in the force.

Despite the SEA awareness training that SANDF has been undergoing, and although there has been a fall in reported SEA cases since the early years of the MONUSCO mission, the prevalence of SEA remains a challenge for MONUSCO in general and for the SANDF contingent in particular. In MONUSCO, one problem is that the SEA awareness training of incoming personnel has focused mostly on the infantry battalions as part of their mission-readiness and pre-deployment training. However, SEA often takes place in the support units, which tend to deploy in places that allow freer interaction with local populations. Thus, gender and SEA awareness training should involve continuous effort on the part of all units, both pre-deployment and in the mission areas during deployment.

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