

Violence Against Women, Sex Industry and The Business of United Nations Peace Operations

ความรุนแรงต่อผู้หญิง การค้าบริการทางเพศ
และกองกำลังรักษาสันติภาพแห่งสหประชาชาติ

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บทคัดย่อ

เมื่อคณะมนตรีความมั่นคงแห่งสหประชาชาติมีมติรับ RES 1325 เมื่อเดือนตุลาคม 2543 ความสัมพันธ์ของประเด็นด้านสันติภาพ และความมั่นคงในมิติทางเพศสภาพก็กระจ่างชัดขึ้น และกลายเป็นประเด็นความสัมพันธ์ระหว่างประเทศอย่างมีนัยยะสำคัญต่อการศึกษาด้านรัฐศาสตร์และองค์การสหประชาชาติ ในขณะที่สถานการณ์ และรูปแบบของความขัดแย้ง และสงครามในโลกปัจจุบันมีการเปลี่ยนแปลงไปสู่การใช้ความรุนแรงต่อผู้หญิงเป็นอาวุธ อย่างไรก็ตามความรุนแรงต่อผู้หญิงไม่ได้จำกัดอยู่ในช่วงของการทำสงคราม หรือมีผู้กระทำเป็นผู้ก่อการร้าย หรืออาชญากรสงครามเท่านั้น ในบางครั้ง "วีรบุรุษ" หรือเจ้าหน้าที่ของกองกำลังรักษาสันติภาพเองก็กลายเป็นผู้กระทำผิดเสียเอง

บทความ ความรุนแรงต่อผู้หญิง การค้าบริการทางเพศและกองกำลังรักษาสันติภาพแห่งสหประชาชาติ มีสมมติฐานว่าแนวทางการสร้างสันติภาพ และความมั่นคงสากลของสหประชาชาติจะไม่มีทางประสบความสำเร็จอย่างแท้จริงถ้าปราศจากองค์ประกอบด้านความยุติธรรมในมิติทางเพศ บทความนี้แบ่งออกเป็น ๕ ส่วน (๑) บทเกริ่นนำ (๒) กรอบความเข้าใจในลักษณะพื้นฐานเพศสภาพของกองกำลังรักษาสันติภาพแห่งสหประชาชาติ (๓) นิยามความรุนแรงต่อผู้หญิง (๔) ลักษณะความรุนแรงต่อผู้หญิงและการค้าบริการทางเพศกับกองกำลังรักษาสันติภาพแห่งสหประชาชาติ (๕) บทสรุป

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ผู้เขียนได้ใช้กรณีศึกษาของกำลังรักษาสันติภาพในเอเชียตะวันออกเฉียงใต้ ๒ รูปแบบ จาก ๒ ช่วงเวลา ใน ๒ พื้นที่ คือกองกำลังรักษาสันติภาพในกัมพูชา (ระหว่างปี พ.ศ 2533-2536) และกองกำลังรักษาสันติภาพในติมอร์ตะวันออก (ระหว่างปี 2542-2545) เพื่อชี้ให้เห็นถึงความเปลี่ยนแปลงและสิ่งที่มีได้มีความเปลี่ยนแปลงมากนักแม้จะมีกรณีความผิดพลาดในอดีตเป็นตัวอย่งที่สำคัญในการป้องกันกรกระทำผิดรูปแบบเดิมในปัจจุบัน

การนำเสนอข้อมูลต่างๆ ในบทความมุ่งเน้นการวิเคราะห์หาสาเหตุและคำอธิบายความผิดพลาดเพื่อเป็นแนวทางในการหาหนทางแก้ไขในระดับโครงสร้างและทัศนคติองค์กรมากกว่าการวิพากษ์เพื่อตอกย้ำการกระทำผิด

Abstract

When the United Nations Security Council adopted Resolution 1325 in October 2000, the relationship of peace and security with gender effectively and decisively became the subject matter of international relations. How this relationship became real and significant as well as the form it has taken within the structure of United Nations Peace Operations. When conflicts had changed its form and targeted more on women, using Violence Against Women (VAW) as a weapon of war, when it comes to the post war time, VAW was not limited only an act of war criminals but the “heroes” coming to the operating country with the “blue helmet” banners.

In this article, I argue that international peace and security cannot be attained without gender justice and women’s human rights. It is thus crucial how the main peacekeeping and development agencies and actors, especially the United Nations, can socially construct a rights-based approach giving attention to VAW in the framework of women’s human rights. The selected cases of UNTAC in Cambodia and UNTAET in East Timor show United Nations’ experiences and how learning from those experiences has helped in the process of socially constructing the rights-based approach to be included in peace operations. Base on this argu

ment, the article is divided into 5 sections (1) article overview (2) Peacekeeping forces, militarized values and sexual violation (3) VAW in the militarized culture of peacekeeping forces (4) Prostitution and peacekeeping (5) Concluding Points and Recommendation

The literature, information and arguments presented in the article are presented as possible explanations and analysis on the consequences of the UN Peace Operations in relation to VAW in order to seek for constructive recommendation at structural level rather criticizing for the past misconducts.

A. Overview

Idealists and optimists after the end of the Cold War hoped that United Nations peace operations would be a mechanism for recovering and maintaining universal human rights and achieving international peace and security in formerly war torn areas. Others have called this view of peace operations a fantasy.

It is generally acknowledged and accepted that when there are conflicts, women are usually the main targets and Violence Against Women (VAW) is commonly used as a weapon of war. Since the mid-1990s, such actions have been considered as gross violations within international legal and human rights framework. It is also recognized that VAW persists after conflicts in almost all post-war societies and this creates a social stigma that can significantly obstruct work towards national rebuilding in any country. One reason is because at the end of conflicts, women are usually left as their families' main bread winners and as major contributors to national rebuilding work. However, the trauma of experiences with VAW has not yet been healed and the incidence of VAW tends to persist and even increase when conflicts end. This can lead to a context where the sense of social stigma can be so intense that national rebuilding and working to sustain peace are almost impossible due to the lack of gender justice and respect for women's human rights.

In this article, I argue that international peace and security cannot be attained without gender justice and women's human rights. It is thus crucial how the main peacekeeping and development agencies and actors, especially the United Nations, can socially construct a rights-based approach giving attention to VAW in the framework of women's human rights. The selected cases of UNTAC in

Cambodia and UNTAET in East Timor show United Nations' experiences and how learning from those experiences has helped in the process of socially constructing the rights-based approach to be included in peace operations.

In order to understand how a rights-based approach incorporating VAW has been socially constructed for peace operations, the first step is to analyze the nature of United Nations peacekeeping and peace-building, especially in their field operations.

The second step is to use social constructivism to guide the analysis, because it is the social context that helps design a significant interplay among the actors of United Nations, their agencies' mandates, values and preferences concerning VAW, woman and conflict, as well as women's human rights.

Two areas of study are the focus on this article. First, the issue of VAW as it occurred during peacekeeping operations is going to be explored and analyzed. Second, the military culture of United Nations peacekeeping forces can be considered a form of socially constructed gender discourse in order to address the controversial issue of prostitution and United Nations peacekeeping.

B. Peacekeeping forces, militarized values and sexual violations

United Nations peacekeeping forces may appear to be an international army with a combination of military cultures from around the world. However, they all share one common military culture, which is a combination of predominant values based on systems of hierarchy, status, and authority with a core concept of the right kind of soldier is explained as their inspiration for beliefs of public service and national identification, which at certain level can develop to more intensive ideas of nationalism and perceptions as the nation's heroic figures.

Gender equality is an issue directly related to the concept of military culture. In armies, gender roles and relations are concepts that strongly correspond to one another with accepted discourses on masculinity and femininity. They have their own concepts and perceptions about what soldiers should be and they have their own policies and strategies to make sure that the concepts and perceptions correspond.

The creation of wider gender gaps and increased VAW after UNTAC is clear from a statement blaming UNTAC for providing customers to prostitution in Cambodia. In 1994, NGOs and people working for relief agencies concluded that senior United Nations officers were not taking responsibility for sexual exploitation with a view of "no rules, anything goes" behaviour of peacekeepers. Moreover, it was publicized among NGOs working in Phnom Penh during UNTAC

operations that sexual misconduct by UNTAC peacekeepers reinforced and expanded the existing gender gaps in the country. This view is stated in an open letter from a group of NGOs to the head of the mission in 1994.

Cambodian women and other Asian women are the victims of stereotyping and often are forced into subservient roles... Inappropriate behaviour by some male UNTAC personnel often leave women with a sense of powerlessness...women have little access to redress when they experience such behaviour.²

The question has been raised about what would happen if peacekeeping forces were less militarized or less masculinized. A former peacekeeper in East Timor from Thailand remarked that many peacekeepers are not willing to do civilian works, which might be seen as less military and less masculine. The comment can be explained from an assumption that the work of peacekeeping forces is to 'keep peace', contain conflicts and avoid the relapse into violence: it is the general idea that 'we' the peacekeepers are here to protect 'them', the weak and vulnerable. Thus, it is not 'our responsibility' (nor in the mandate) to build or fix roads, help create a peaceful society or do any building and reconstruction.³ The argument is quite old fashioned and such distinctions were already blurred in East Timor. The context in East Timor was a mixture of both military and civil military peacekeepers, who were willing and ready to be assigned to do civilian as well as military work. However, it is undeniable that there are still peacekeepers who resent even the idea of doing civilian work. If addressing gender issues after conflicts are categorized as a part of civilian works, the majority of peacekeepers who are military personnel would either have no training for a gender perspective or challenge its relevance for their work.

In addition, the International Force for East Timor or Interfet (the first peacekeeping force before UNTAET) was also recognized as a militarized force, which introduced a new concept of military personnel as "tough and tender" good guys who come to rescue and protect the weak and vulnerable East Timorese. This perception of tough and tender peacekeepers was first introduced by the Australian military commander of Interfet, Peter Cosgrove, who was well known as "Sweet Peter": the tough and tender concept emerged from a debate about

An open letter to Yasushi Akashi (Head of United Nations operations in Cambodia in 1994)," *Phnom Penh Post* (4 October 1994).

An elaboration from an interview in Bangkok with a former Thai peacekeeper in East Timor

how Interfet had constructed their identity in a peacekeeping context and then reproduced this image in order to be friendlier with international media and women's movements in the region and back in Australia.

From the saying "boys will be boys" in UNTAC ten years ago, the masculine nature of peacekeeping had been refined and modernized as a tough and tender good guy. The image of peacekeeping forces would appear to have improved; especially since there has been no newspaper, television or any other mass media criticizing or closely examining the operations in East Timor. However, it should not necessarily be assumed that no sexual violations or VAW existed during UNTAET operations.

There is an important gap that remains in the social construction of peacekeeping based on a tough and tender good guy norm and whether this is just an image or a standard of behavior, however. The image of a tough and tender good guy is a projection from the top by high-ranking military peacekeepers to outsiders. What might be happening at the lower ranks is another story. There are very few cases of sexual violations or VAW being formally reported. Each time a case became known publicly, the high ranking good guy immediately appeared to deplore how this isolated misconduct by low ranking personnel was such a rare case. Jindy Pettman documented the occurrence of sexual harassment by Australian soldiers that supports the point.

Australian soldiers twice broke into an East Timorese house and were harassing young women. An implied explanation was that this was a possible case of mistaken identity or a wrong address. "Troops may have been looking for prostitutes (SMH 18/1/00)." But very strong official condemnation and actions followed. The Defence Minister [of Australia] declared himself 'appalled', the Foreign Minister 'deplored' the alleged behaviour, and media reports reiterated its isolated nature. Cosgrove told a press in conference in Dili that he was "aghast" and "very angry"...." ⁴

The good guy rhetoric and prevailing image comes from high ranking military personnel whose performance and politics closely parallels local politics back home and the United Nations political stand in the international community of states. However, this prevailing view of peacekeeping also creates tension with other values and preferences in the international community, especially women's

⁴ Jindy Pettman, "Manly Foreign Policy: Australia Peacekeepers in East Timor," a paper prepared for ISA workshop on Peacekeeping and Prostitution, New Orleans, 23 March 2002

networks and movements around the world as well as human rights networks and movements. However, this part of structural politics involving high ranking officials is not a concern for lower ranking military personnel who have to carry out daily operations. Enloe's argument underlines the point, "the future military peacekeeping operations' reliance on prostitution will be determined by decisions made at the top and in the middle of military organization."⁵ In other words, policies against prostitution during peace operations would certainly be launched, but there is no guarantee of their impact or usefulness, since such policies and good practices are not truly and equally fulfilled by action at all levels of the operations. This is especially true where policies against prostitution are not valued as part of stopping VAW or perceived for the link to gender justice or where the prevailing preferences are still militarized with the norm of "boys will be boys".

One interesting related pattern of values that has never changed from UNTAC to UNTAET is the rhetoric of the "protector". Regardless of whether peacekeeping forces operate under the gender code as "boys will be boys" or as "tough and tender good guys", they are always perceived as protectors and heroes coming to the rescue and expecting to be respected. On the one hand, this rhetoric and discourse facilitates United Nations efforts to draw more cooperation from troops around the world who seek an identity as a hero with an ethos for public service. On the other hand, being recruited for United Nations peacekeeping forces can also be perceived as an adventure of a military type. Part of the adventure is generally assumed to be access to women, mostly through prostitution. Debates about the relationship between military adventure and prostitution with related gender norms are considered as the context of peacekeeping, respect for human rights, sexual violations and VAW.

C. VAW in the militarized culture of peacekeeping forces

During times of war, military sexual violence typically refers to patterns of VAW like sexual mutilation, systemic rape, abductions for sex slavery, forced pregnancy and so on for the purpose generally explained as revenge, terrorizing and humiliating the enemy men. When it comes to the time of "peace" under the protection of United Nations peacekeeping operations, it is important to consider how sexual violations is conceptualized, especially if they can be perceived as VAW.

⁵ Enloe, Cynthia, 2000, "When Soldier Rape" in *Maneuvers: The International Politics of Militarizing Women's Lives*, Berkeley, CA:University of California Press, pp.103-107.

It has always been emphasized that the United Nations peacekeeping operations are an effort and action taken on behalf of an international organization in the name of a global community, comprised predominantly of 191 member states in peacemaking and peace-building to secure lasting peace. However, when there are reports of gender-based violence, sexual exploitation and abuse and trafficking of women and girls perpetrated by humanitarian workers and peacekeepers, another side of military values and practices become known.

The two prominent patterns of sexual violations by peacekeeping forces are rape/sexual assault and prostitution. It might be surprising to hear about sexual abuse, rape and sexual assault by United Nations peacekeepers, because it contradicts the prevailing image that peacekeepers are always good guys and heroes coming to rescue. It is the case that soldiers recruited as peacekeepers are national contributions volunteered by member states. Member states carefully negotiate the terms of their participation, including command and control arrangements. The member states retain ultimate authority over their own military forces. Peacekeepers wear their national uniforms and are identified as peacekeepers by the blue helmet, blue beret and a United Nations badge.

When the United Nations sends peacekeeping forces to the field, what follows is often "...a large influx of foreign, comparative well paid international peacekeeping personnel—military and non-military—inevitably has an economic, social and cultural impact on the local population... Young women are likely to become involved in and affected by what are known as 'peacekeeping economies': industries and services such as bars and hotels that spring up near military bases."⁶ This leads to the field situation where soldiers from a number of developing countries eager to go abroad for an international cause expect generous wages of the United Nations and probably adventures.

The scenario supports the contention about how peacekeepers can violate local women in a host country. "UNTAC babies" was one of the most scandalous and well-documented aspects of sexual violations of local women by peacekeepers in Cambodia. The issue refers not only to relationships between United Nations peacekeepers and local women in Cambodia, because it is an overlapping issue in the debate about prostitution during UNTAC operations. There was never a clear distinction (whether they are local women or prostitutes) for those who were girlfriends of UNTAC peacekeepers. Ultimately, the distinction should not be socially constructed as important as the fact that those women became pregnant and were left behind as single mothers when the mission ended and UNTAC peacekeepers left the country. Such stories about military adventure and unwanted

⁶Ibid.

children are, of course, not new. However, in terms of how prevalent social values and norms influence and encourage the commercialize women's body can be perceived as socially constructed VAW.

There are debates against the argument of prostitution as VAW. It argues that consensual sex cannot be considered VAW or sexual violations or a gender injustice. However, referring to United Nations General Assembly's declaration on Eliminating Violence Against Women, VAW is defined as

"...any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threat of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."⁷

Considering the definition of Violence Against Women, concept of VAW is clearly relevant when considering the women's human rights framework, the unequal power aspects of the relationships between local women and peacekeepers and the outcomes for the women's lives. For example, the situation of being a single, abandoned mother in Cambodia, possibly infected by HIV/AIDS could lead to significant suffering, ranging from mental distress to social scorn and even rejection from the community. All of this fits within the United Nations definition of VAW. Moreover, when using human rights language, those women are deprived of access to even the most fundamental rights such as life, liberty and security of person, including help in the care and upbringing of their children and equal opportunities to be integrated into the development process, including access to economic and educational opportunities.

One of the major questions is what happens when peacekeepers rape; a question that is somewhat similar to Enloe's discussion about when soldiers rape. The similarity is that rape has always been an issue about power, not just sex. The difference between peacekeepers and soldiers in combat is that peacekeepers tend to more closely follow a set of commands which seems to be more strongly influenced by international norms, values and preferences of the United Nations through resolutions, conventions and treaties.

When a peacekeeper rapes, the case is usually marked as the "isolated sexual misconduct" of an individual; not as a feature of the peacekeeping regime

⁷ United Nations, A/RES/48/104, "Declaration on the Elimination of Violence against Women," adopted on 20 December 1993

or some structural gap in the United Nations' ability to uphold international principles, norms and values. Besides examples such as the isolated case of harassment by the two Australian peacekeepers in East Timor, there were also reports of sexual misconduct by peacekeepers belonging to the base in South West Suai who "...were sent home 'in disgrace' after being found guilty of 'inappropriate' behaviour involving East Timorese women..."⁸ The language used and the words selected, such as isolated, misconduct, inappropriate and in disgrace, are very cautious and ambiguous. Some perpetrators had been disciplined, but not punished. As a consequence, any lessons learned quickly disappeared.

The stories of such incidents were always presented carefully with the right kind of language to make sure that such isolated cases of sexual misconduct were kept isolated and would not affect the good image of the whole operation. It is as if the operation wanted to distinguish itself from any kind of blemish and scandal on the part of a few bad boys, who could not fulfill the new military code that valued a tough and tender good guy. This can be something UNTAET has learned from UNTAC and other peacekeeping operations around the world during the 1990s: it is the social reconstruction of masculinity by the military. Just as the military is a dynamic institution that has changed to take peacekeeping responsibilities, its image and values of what is masculine has also changed, partly in response to new preferences, values and expectations of international communities, particularly women's groups.

D. Prostitution and peacekeeping

It is still debated how peacekeeping can be linked to prostitution. There is a perception about military men engaging in commercial sex with adult women that could be written off as natural and thus not worth stopping. The idea of sex from consenting prostitutes has been put into the normalization process for peacekeeping operations and made acceptable, if not legitimate, for the emphasis on consensual and for money; ignoring the fact that this consensual prostitution can also be a form of sexual violation that harms women (directly and indirectly) even though they are consenting prostitutes. There seems to be little or no awareness of how such prostitution affects the local social order, social relations and community attitudes towards women. There is clearly no awareness of the gender justice dimensions involved in such prostitution.

Prostitution is a socially constructed VAW. Structural violence also refers to systems, institutions and policies that sometime meet some people's human needs,

⁸ Enloe, 2000.

rights or wants at the expense of others. A gender viewpoint assumes that there are unequal power relations between men and women: the structure and its processes work in a way that subjects women to a subordinate status and marginalization, without access or a voice to demand “needs, rights and/or wants”.⁹ From this line of thoughts, it can be said that women are generally targeted for violence as a product of the social structure that favor men at the expense of the other sex.

It is noteworthy that Cambodia and East Timor social context both embrace the belief of virginity as a banner of respectability and purity, which may even set the value of women themselves. In Cambodia, a virgin is the only legitimate quality that qualifies a woman for a decent marriage. Cambodian society has created discourses to convince everyone of such a judgment with the saying, “Woman is cloth, man is gold.” When cloth falls into the mud, the dirt cannot be completely cleaned, while gold is the opposite and can always be cleaned and will always keep its value. The Khmer social structure has set a standard for the behavior of Khmer women in order to be considered as respectable wives, mothers and daughters. The value of single women and girls is based on their virginity and a code of conduct called “Chhbab Srey” or “rules for the lady”. Virgins who can follow those rules of the lady act with a certain gentleness, coyness or prudishness, and show faithfulness so they would be rewarded by being considered a decent lady who deserved a proper marriage to become a respectable wife and mother. On the other hand, a woman who cannot fulfill such rules would be punished by being despised or blamed either by her family or the society¹⁰

According to Human Rights Watch, World Report 2004, it is well documented that in many countries, the honour of community or family is closely tied to control of sexual activity or women and girls. The value of virginity, “purity” or sexual inexperience of women are a source vulnerability to VAW. As long as there is no change in the fundamental fact that combatants can both inflict harm to individual and symbolically assault the larger community (or ethnic group or nationality) by targeting to women of that particular community (or ethnic group or nationality), women and girls are always at risk to VAW.¹¹ Based on this understanding, on the case of Cambodia and East Timor where discourses on

⁹ Felipe E. MacGregor, S.J, and Marcila Rubio C., “Rejoinder to the Theory of Structural Violence,” in *The Culture of Violence* eds. Kumar Rupesinghe and Marcial Rubio, (New York: United Nations University Press, 1994), p. 49

¹⁰ Judy Ledgerwood, “Analysis on the Situation of Women in Cambodia: Research on Women in Khmer Society,” (Phnom Penh, February-June 1992).

¹¹ LaShawn R. Jefferson, “War as in Peace: Sexual Violence and Women’s Status,” in *Human Rights Watch, World Report 2004* (January 2004), p2.

virginity and the honour of family and community tied up with their woman's sexual experience, we can predict to some extent incidents of sexual assaults and persisting VAW in the countries.

Looking from a Universal Human Rights framework, it is questionable if anyone can justify the sex industry based on consent that commodifies human beings. From this standpoint, the issue becomes whether it is justified to allow a human being to be commodified like sex and whether this dehumanizes the individuals. Alternatively, is there any justification for a society to allow this business of dehumanization? Hence, the debate about willing or unwilling prostitution may not necessarily be an issue for debate under a VAW framework. That is because regardless of willingness or unwillingness, sex workers or prostitutes experience VAW. Differences are only for those women who have been forced into prostitution; VAW is a vivid form of human rights violation ranging from physical to psychological harm that can be as serious as slavery. However, for those who have decided themselves to be sex workers, VAW has been more subtly revealed because it is structural and part of a normalization process that makes willing prostitution become unrecognized as VAW. Prostitution/Sex service can be regarded as structural violence from an assumption that a society has allowed this commodification of human beings through a normalization process of capitalist discourses that takes for granted consent to the idea of commodification of things. From this standpoint, self-determination alone cannot really make a woman decide to be sex worker. It is a society that supports the idea of exchanging sex services and/or human bodies as sex objects for purchasing power in a highly consumerist society.

It is the social structure that encourages women to commodify themselves in exchange for purchasing power that gives them identity, ignoring the fact that in exchange they have also commodified and dehumanized themselves into a sex object.

The more complex dilemma about the prostitution issue in Cambodia is that looking from a gender lens, the idea of being a proper, honorable, respectable virgin, wife and mother has been compromised with this normalization process of sex services. According to ADHOC's survey, 67 per cent of interviewed sex workers are single, with an average age of 21 to 24 years old. They are either single or widows with responsibility for the family's financial well-being. In the context of Cambodia, it is the discourse about being a good girl that they have to fulfill social expectations for being a proper vulnerable virgin who has to be helpful, capable of contributing to the family's finances and do domestic chores in order to be considered as deserving a decent, respectable marriage.

It is crucial that when the survey asked for reasons for going into prostitution, many women and girls "...think that being prostitute is an easy way to financially help their parents." Moreover, even though this type of earning one's living is outside of traditional Khmer ideals, it permits them to fulfill their obligation to support their families.¹²

In East Timor, the issue of prostitution was treated differently under the supervision of UNTAET. Interviews were conducted with two United Nations peacekeepers and a former civil policeman during the East Timor mission from 1999 to 2000. All three officers insisted that there was no prostitution in the East Timor capital of Dili. Moreover, a very strict peacekeepers' code of conduct was applied. It was a rare occurrence for any United Nations peacekeeper to violate such rules, including a prohibition about prostitution and fraternizing with local women. In addition, the strict social and cultural values made it almost impossible for East Timorese women to consider being sex workers.¹³

Dr. George J. Aditjondro reported that there are indicators about the existence of prostitution/sex services under certain circumstances. He observed, "East Timorese girls and women become prostitutes as a consequence of rape by Indonesian soldiers, high levels of unemployment in their communities and the need to support themselves and their children, often in the absence of their men who are away fighting or have been killed."¹⁴

While East Timor was under Indonesian control, it is possible to look at international reports made to CEDAW and by the Special Rapporteur on Violence Against Women to see the prevailing national and local views about VAW, particularly in terms of VAW by state authorities. When CEDAW considered Indonesia's country report in 1998, it expressed concern that the information provided on the situation of women in areas of armed conflict, including East Timor, reflected a limited understanding of the problem. The government's remarks covered women in the armed forces and did not address the vulnerability of women to sexual exploitation in conflict situations, or a range of other human rights abuses affecting women in such contexts. In addition, the Special Rapporteur noted in 1999 that in the social and legal understanding of rape, emphasis is placed on the girl's conduct or appearance, which suggests that constitutes a defense men can use when charged with rape. Conservative attitudes about sexual matters also place women at a legal disadvantage. That is, a narrow definition of rape fails to

¹² National Assembly Report (1997)

¹³ Interview with ex. Thai Peacekeeper in East Timor 2001.

¹⁴ George J. Aditjondro, "Violence By The State Against Women In East Timor," in a Report to the UN Special Rapporteur on Violence Against Women, Including its Causes and Consequences, 7 November 1997.

include acts that define the demeaning and violent aspects of rape, rather than its sexual nature only.¹⁵ It is important to keep in mind that these important points about VAW refer to East Timor in the context of Indonesia, although they are based on visits to observe the actual situation and take reports from local women.

The social and cultural context in East Timor makes the link between rape and prostitution. In a strict traditional Catholic society, virginity is intensively related to the idea of a 'good wife' and a respectable marriage. Similarly, like Cambodia, in East Timor society and politics the social discourses of virginity prevailed. Only virgins deserved a decent marriage and social respect. After marriage, wives came under the norms and rules that allowed sexual intercourse only with their husbands. However, once systematic rape campaigns were used when attacking villages and communities, all women, including virgins and wives were raped and forced into pregnancy. Even after the conflict, the trauma ended by turning East Timorese women into unwanted people by their families, husbands and their communities. Women who had been forced into pregnancy also gave birth to unwanted children of those Indonesian militias who were rejected and despised by East Timor society. After such ordeals and rejections, many women decided to become sex workers.

When it comes to the time of peace operations, in the case of East Timor, Jindy Pettman suggested six reasons why there were very few reports on VAW during the United Nations peace operations. One of the reason related to UN Peacemaker and Prostitution is that "when compared to the previous history of systemic rapes and genocide, VAW in the form of domestic violence, prostitution, sexual assault or even random rape is considered as less serious cases of VAW."¹⁶

Some implicit awareness emerged indirectly when the United Nations peacekeeping operation established ten rules as a code of conduct in an effort to make sure that peacekeepers were made aware of the type of soldier and behavior that the organization can accept. Like most armies around the world, United Nations peacekeepers are considered as armed forces, the most vivid differences is that in the role of peacekeeping international armed forces may have several conditions that limit their use of arms.

Many operations have started shown more concern about gender issues. However, this gender concern might just be an image or reflect concerns that are

¹⁵ United Nations, E/CN.4/1999/68/Add.3, "Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences: Mission to Indonesia and East Timor on the Issue of Violence against Women," Commission on Human Rights Fifty-fifth session, New York, 20 November-4 December 1998.

¹⁶ Jindy Pettman, "Manly Foreign Policy: Australia Peacekeepers in East Timor," a paper prepared for ISA workshop on Peacekeeping and Prostitution, New Orleans, 23 March 2002.

considered only at a rhetorical level. The United Nations peacekeeping code of conduct has ten rules. The most critical item in the code is rule number nine saying “do not engage in excessive consumption of alcohol or traffic in drugs.”¹⁷ From this set of rules, it is important to ask why there is no restriction about (excessive) consumption of sexual services while there are numbers of training and manuals for peacekeepers how to protect themselves from HIV as a result of having sexual relations with the local women.¹⁸ Moreover, it is crucial that the United Nation views “any involvement of peacekeeping personnel in human trafficking or any other form of sexual abuse or exploitation” only as “an act of serious misconduct” not crimes. This results only in the need for more “disciplinary measures” and not punishment. The prevailing value seems to be that there might be local women available through a sex industry, so United Nations peacekeepers can be willing, but discrete customers. Prostitution is viewed as a commercial activity, which makes it hard to adjust views in order to consider it as VAW.

One outstanding point to make about the entire set of rules is that there is no single part of the code directly concerning prostitution. Rule number nine covers an area that is closest to the sex industry issue. However, the rule only talks directly about the excessive consumption of alcohol and drugs, with nothing mentioned about sexual consumption or prostitution.

The 10 code of conduct are silencing about UN Peace Operations and the linkage between peacekeeper and prostitution. Regardless booming sex industry around the operations base, there is no mention about how United Nations peacekeepers should behave and how health issues can be addressed on the sex worker side. In addition, rule number four is a very ambiguous part of the code of conduct, although the implication is crucial concerning sexual violations during the peacekeeping process. According to rule number 4 “do not indulge in *immoral acts* of sexual, physical or psychological abuse or exploitation of the local population or United Nations staff, especially women and children.” The problem is that there is no clear explanation about the scope or nature of immoral acts, especially what is the definition in the culture context of the country. In other words, there can be differences in defining the term immoral acts between the host country’s perspective and / or the peacekeepers’ social and cultural backgrounds. It is questionable how sufficient and comprehensive this term could be for including all aspects of VAW in the filed operations of each mission.

¹⁷ UNTAET, 2001, “Induction Training Handbook for CIVPOL”, UNTAET: Code of Conducts CIVPOL-Induction Training Center-DILI, 5 May 2001,p4.

¹⁸ Ibid.

It is significant that raising these issues implies that there is no specific regulation or organizational norms directly addressing how peacekeepers should think and act from a gender perspective in the area related to prostitution. It is likely that the issue has been ignored due to prevailing values and norms as highlighted by Cynthia Enloe. She observed that sex with prostitute is a form of recreation for soldiers, and it is regarded as a means to prevent soldiers from committing crimes like rape and sexual assaults. The idea is based on the patriarchal judgment that men have sexual drives that need to be satisfied in order to eliminate their worries and to create a greater sense of accomplishment when they are on duty.

At certain level in UNTAC, the idea that conditions creating prostitution in Cambodia were created during UNTAC operations was not perceived as a priority during the time of transition. Peace and security in the form of a democratic election and a working government were more important concerns and central to the mandate. Moreover, the idea that prostitution had been a natural and unpreventable social occurrence, rather than a problem, helped facilitate a process that made the situation normal and not an issue during the time of UNTAC.

In East Timor, there were lists of “Don’t” actions that the UNTAET Code of Conduct, included in a training manual, defining “[engaging] in relationships with locals” as (1) sexual liaisons (2) marketing in merchandise (3) dealing in monies for profit and/or gain by exploitation of person for self-gratification or profits. However, there were still reports of prostitution in Dili.^{ii 19}

According to an informal interview with a former media and public relations officer of UNTAET, the head of media unit answered an inquiry from a journalist concerning prostitution in Dili. He said that UNTAET cannot have any right to control peacekeepers who can seek their recreations from prostitutes when they are off duty. Such a statement from a top man in UNTAET implies that prostitution is regarded as a personal matter between prostitutes who were willing to give the service in exchange for money and the peacekeepers who want the service when they are off duty. However, the existence of such cases is not widely accepted because in order to keep a good image and the reputation of the mission, Dili was supposed to be the place where no sex industry existed. Therefore, the place which became the more approved hub for entertainment and recreation was a city in Australia called Darwin. It is the place where most officers could go for holidays and seek recreation with no scandal. At this point, it is open to debate whether UNTAET really operated that much differently from UNTAC in terms of prostitution.

¹⁹ Ibid.

There have also been many myths concerning men from a gender aspect, arguing that in any society men have troubles with their sexual drive. If they cannot handle this drive then it creates trouble, with impacts that may affect their efficiency at work or even worse that unfulfilled needs can push their male drives towards more socially unacceptable sexual acts, including rape. Therefore, under the male dominant institutions such as the military, such myths end up being taken seriously because the right kind of masculinity that any military wants should not be driven to disgrace or inappropriate behavior. At this point, Enloe said "...in the world of military policy making, officials think of rape and prostitution *together*. Providing organized prostitution to male soldiers is imagined to be a means of preventing those same soldiers [who rape] from engaging in rape." Moreover, the military of many countries also justify male-dominated neglect of gender issues by mitigating the level of seriousness from sexual violations, VAW and violations of women human rights have been considered to be more of a health issue focusing on concerns about HIV/AIDS and sexually transmitted diseases rather than a social or even human rights issue.

In summary, when it comes to prostitution, it is essential to bear in mind that the issue is extensively complicated because it is not simply that the very militarized and masculinized UNTAC or the less masculinized and militarized are to be blamed. On the one hand, many organizations and activists on woman issues in Cambodia may argue that UNTAC peacekeepers are the main contributor of sex industry and HIV in Cambodia as well as the flourish sex industry in Darwin, which become targets for criticism. On the other hand, there are also several counter arguments, such as the sex industry and HIV are universal problems, and prostitution cannot be exactly considered as a form of sexual violation, but as a profession and sex is a form of goods and services that can be traded. The research does not make any direct judgement on the issue. It is beyond the scope of the study, but it is still a major challenge for further study and research about how prostitution is socially constructed in terms of its implications for international relations.

E. Concluding Points and Recommendations

The peacekeeping operations in Cambodia from 1992 to 1993 involved 15,900 military personnel, 3,600 civilian police, 2,000 civilians and 450 United Nations volunteers at a cost of about US\$1.5 billion.²⁰ United Nations peacekeeping operations in East Timor from 1999 to 2002 consisted of 8,000 military troops, which were downsized to 5,000 by Independence Day (May 2002) and 1,200 civilian

²⁰ UNTAET, Press Office, "Factsheet 18: Peacekeeping Force," (28 February 2002).

police.²¹ Cambodia and East Timor are the two countries where United Nations sent the full range of peacekeeping forces to the field with the broadest possible mandates for peace operations.

I argued that peace operations in all of their aspects need to be socially reconstructed to make gender justice, particularly with respect to VAW, integral to the paramount goals of peace and security, if they are to be sustained. However, what actually happened in United Nations field operations, concerning VAW and practices related to peacekeepers' sexual behaviour and prostitution showed the contrary. Overall, peace operations showed a systematic lack of gender sensitivity or awareness in UNTAC's operations in Cambodia. There was some awareness during the peace operations of UNTAET, but those who advocated more sensitivity, awareness and action faced a number of constraints.

VAW tend to be persisted even during post-war periods particularly during United Nations peacekeeping and peace building operations. As mentioned in the analysis, United Nations peace operations mandates overemphasized the arrangements of free and fair elections, creating a market-economy, starting national (re) building and development within a specific timetable, despite different social and political contexts and the after effects from conflicts in each war torn society. A lack of understanding about a rights based approach and the absence of gender awareness contributed to persistent VAW during and after the peace operations in Cambodia.

For the case of East Timor, even though the United Nations Security Council Resolution 1325 was in place and called for international cooperation to mainstream a gender perspective in peace operations; the analysis in this chapter showed that for UNTAET the social construction of values and preferences that support gender justice was still in transition. The scandalous behaviour and values behind the discourse of "Boys will be boys" that prevailed ten years ago in UNTAC, has been refined and modernized to the peacekeeper as a tough and tender good guy in UNTAET. The image has improved in the mass media, but this scenario is not a guarantee for gender justice and the more relevant rights-based approach to peace operations.

From the United Nations Department of Peace Keeping Operations, it is highly recommended that future peace operations required highly attention on existing international instrument on women human rights like CEDAW, RES 1235 and GA Declaration on EVAW in order to ensure appropriate gender aspect in the operation.

²¹ UNTAET Press Office, "Fact Sheet on 25 Major Achievements."

From Thailand as a key player in international relations arena and a contributor to UN peace operations, Thai peace keepers provided a good example of a more modernized character UN peace keepers, willing to do civilian works and being not too indulge in the prevailing masculinized code of conducts of the UN peace operations. The peacekeepers contributing countries can together address the issues by being more aware of the impacts the UN peace operation can have on the operating field. Moreover, the peacekeepers themselves can address the issues at the most micro level by having respect to the local woman and being aware of another form of the socially constructed VAW, calling prostitution.

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