



The UN Mission in Bosnia: An Exploitative Failure

Deeba Mehr, University of British Columbia

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ABSTRACT

This paper argues that the UN failed in its peace mission to Bosnia (UNMIBH), playing an actively detrimental role in the victims' experience of sexual exploitation and human trafficking, and an insufficient role in holding accountable those who were at fault. The immediate response was intended for the benefit of the UN's public image rather than the victims, and the Zero-Tolerance Policy that was later implemented made insufficient changes in the prevalence of abuse. This paper recommends implementing mechanisms to remove UN immunity from those who have committed such violent acts, such that they face consequences more serious than merely returning home. Other recommendations include expanded understanding and training regarding organized crime presence in post-conflict zones, more precisely defined measures regarding the accountability of private military companies, and an improved reporting mechanism for victims of sex crimes on peacekeeping missions. While this problem is certainly deep-rooted, tangible change must be made and experienced by those who depend on the UN.

According to the Ten Rules Code of Personal Conduct given to the United Nations (UN) Peacekeepers, the Blue Helmets are not allowed to “indulge in immoral acts of sexual, physical, or psychological abuse or exploitation of the local population or United Nations staff, especially women and children” (1999). Unfortunately, this rule has been repeatedly broken during UN Peace operations, including the UN Peace Mission in Bosnia and Herzegovina (UNMIBH) in the late 1990s aftermath of the war in Bosnia. Whistle-blowers Kathryn Bolkovac and Ben Johnston uncovered an elaborate human trafficking scheme, one of the first UN sexual exploitation scandals, though certainly not the last. The trafficking scheme involved an array of different actors, including organized crime groups, the local Bosnian police, the UN-affiliated International Police Task Force, NATO, and the private military company DynCorp, sub-contracted by the UN via the American government (Simm 2013, 88).

This paper argues that in the Bosnia peace mission, the UN’s role was both inadequate and directly conducive to the human trafficking operation. Not only did UN personnel participate in the exploitation, but the organization failed to take adequate measures to halt and prevent further sexual abuse, allowing more scandals to emerge in future humanitarian operations in Haiti, the DRC, and West Africa. This paper will first explore the role of UN personnel as a perpetrator in the scandal itself before discussing the organization’s response once the operation was exposed. The largest response made by both the UN and its subcontractors was a Zero-Tolerance Policy, and this paper

will evaluate its strengths and limitations before discussing potential recommendations to help avoid these humanitarian catastrophes from being repeated in the future. This case in Bosnia is situated within a wider context of UN sexual exploitation scandals, and though it has some unique features, like the use of a private military company, the system within which the harm is committed remains constant enough for the lessons learned to be quite generalizable across cases.

The UN consists of 193 member states, with its core mandate summarised by the phrase “Peace, dignity and equality on a healthy planet” (UN 2023a). It is the largest international organization in the world and has a vast spread of departments and topic areas in which it acts. One of these is peacekeeping in post-conflict zones, where the UN sends troops and police from its member states to help civilians in the post-conflict areas rebuild and return to a state of stability and peace. The UN peacekeepers wear a pale blue beret or helmet on these missions for identification purposes from a distance, hence why they are referred to as ‘Blue Helmets.’ After the war in Bosnia and Herzegovina ended in 1995 with the Dayton Peace Accords, the UN’s peace mission in the region was mandated to establish a Human Rights Office and to use an International Police Task Force (IPTF) to “contribute to the establishment of the rule of law,” and encourage training in human dignity, among other peacebuilding measures (UN 2023b). During the preceding conflict, there were over 200,000 fatalities, 20,000 people missing, and 1.2 million were internally displaced. This was a deeply hurt na-

tion, and its people had already suffered heavy losses and trauma as a result of the war (ibid).

The IPTF comprised 1650 people from 34 different countries, all bringing their expertise to foment peace (IPTF 1997). However, this UN operation was unique in that it was the first peacebuilding mission to involve a private military company in DynCorp (Hirschmann 2018). Private military companies, also known as private military contractors or private security companies, are private corporations that hire primarily highly trained ex-soldiers. While they are often hired by government contracts to enter warzones alongside the army, the UN has used them increasingly since the 1990s for help with security and other operations. In this case, they were brought in to help train the local police force and provide assistance with rebuilding the state. DynCorp is a private corporation, but its role as a UN subcontractor meant that its actions were a direct representation of the UN mission and the UN-affiliated International Police Task Force. As mentioned, the main actors in the trafficking were DynCorp employees contracted to be part of the IPTF on behalf of the USA and the Bosnian local police. The main actors and international organizations that this paper focuses on are the UN, though the US and Bosnian governments were also involved in the aftermath of the trafficking, as well as local humanitarian groups.

Despite having been hired within the legitimate framework of the US government, some of DynCorp's employees were found to be involved in the trafficking of women and girls from Eastern European countries such as Romania, Ukraine, and Moldova to Bosnia (Simm

2013, 2). Statistics remain unreliable, but it is estimated that up to 2,000 women and girls as young as 15 were working as prostitutes and dancers at bars, being forced to perform sexual acts or face punishments like beatings, confinement, starvation, and rape (Wilson 2002). The women were also at high risk of injuries and sexually transmitted diseases such as HIV/AIDS that created a further dangerous cycle within their working environments as these diseases proliferated and created an immediate threat to their lives and well-being (HRW 2002, 18). Many of these bars were visited by UN police officers and humanitarian workers, with international staff making up 30 to 40 percent of the clientele and around 70 percent of human trafficking revenue in Bosnia at the time, much of which was ending up in organized crime groups (Simm 2013, 2).

The UN's immediate response upon finding out about the trafficking and exploitation was two-pronged and contradictory. First, they assembled a Special Trafficking Operations Program (STOP), intending to conduct high-profile raids on identified and suspected brothels. These raids were sometimes broadcast on television and were not conducted with sufficient thought to help the victims. For instance, they would ask the victims questions in the presence of the bar owners and suspected traffickers, and the IPTF officers within the STOP program would sometimes be found to have been clients of the bars themselves (Simm 2013, 93; HRW 2002, 29). The victims later described being too afraid to speak to the officers due to the friendly relationships they held with the bar owners (HRW 2002, 18). At the same time, the officers

responded with denial and cover-ups when confronted with questions externally, showing how performative the immediate response was (Simm 2013, 94). These attempts to be perceived as acting in defence of the victims appear more like empty actions for the sake of institutional stability, hence the insufficient and detrimental response to the exploitation.

Unfortunately, even after the whistle-blowers revealed the truth behind DynCorp and the UN's involvement in the scandal, nobody was held accountable due to an ambiguity in legal jurisdiction. The Dayton Accords, the formal peace treaty ending the Bosnian War, granted privileges and immunity to international personnel. This included inviolability and "absolute immunity from criminal jurisdiction" (UN 1995, 117). This immunity was, of course, not intended to shield parties in human trafficking but effectively replaced the criminal jurisdiction, which would usually have been Bosnian. While the IPTF had the immunity of UN officials, it ought to instead be subject to the jurisdiction of the origin state, in DynCorp's case, the US. However, when the US military investigated, they did not prosecute due to insufficient extraterritorial legislation and a lack of army interest; at the time, there was no law at the federal level to allow US courts the jurisdiction to hear cases on crimes that were committed outside the country (Simm 2013, 181; HRW 2002, 47-48). On the other hand, Bosnia did not prosecute either due to the understanding that the international personnel were immune because of the Dayton Accords. In effect, this ambiguity left holes in the legal jurisdiction of where and by whom these crimes ought to be

tried, eventually leading to a lack of accountability (HRW 2002, 25-26). While the UN Secretary-General at the time, Kofi Annan, could have waived this case of UN personnel's immunity, he did not, preventing them from being prosecuted under Bosnian law. Consequently, the harshest punishment received was merely removal from the scene and repatriation to the sending country (HRW 2002, 37; 60; Simm 2013, 181). Furthermore, even after these allegations were made, DynCorp continued receiving US and UK government contracts, showing how little retribution they received despite their actions (Simm 2013, 106). Conversely, as late as September 2001, the victims were being prosecuted for taking part in prostitution, document fraud, or illegal residence in Bosnia and Herzegovina; the director of the STOP program stated that "the prosecutors don't want to talk about trafficking, they only want to talk about prostitution" (HRW 2002, 19).

The UN's involvement in this scheme is all the more shocking in light of its status and well-known ideals of helping, not harming, vulnerable people in post-conflict zones. For victims who had already endured a civil war, to be faced with the seemingly trustworthy 'Blue Helmets' of the UN should bring a sense of relief that help is on the way. Instead, the same uniformed soldiers who visited the bars and used them for sexual pleasure at night came to their rescue during the day. This not only left these communities with a deep sense of confusion and trauma on top of what they had already experienced but also deeply undermined their trust in law enforcement. One of the key tenets of the functionality of the police force is

a sense of trust from its citizens, which affects the legitimacy of the police's actions and their ultimate effectiveness (Coning and Peter 2019, 193). When one of the key aims of a peace-building operation is to reinstate the rule of law, this is a difficult hindrance to encounter and overcome. Other actors were indeed involved, such as national police forces and non-UN-affiliated civil society organizations (CSOs), as well as other international organizations like NATO via the IPTF. However, what makes the UN unique in this case is the combination of its ubiquity and perceived moral authority. International organizations like NATO may have a comparable level of recognizability to the UN, but they do not have the same reputation for stepping into post-conflict zones and providing humanitarian aid. Smaller CSOs may be recognized in a local context as having the moral authority to help people, but they are not subject to the same scrutiny on such a large international scale and may, therefore, not be held to a universally high standard. Therefore, the combination of the UN's international recognition and perceived moral authority causes it to be faced with strong and widespread outrage. This is also in direct opposition with DynCorp: as a private military company, it has no perceived moral authority since it is not expected to act according to humanitarian principles, and its name is not widely recognized. Therefore, the consequences it faced in terms of public outrage were arguably less emotionally charged and less widespread.

Few policy changes were implemented at the UN level immediately after this event. However, after news broke out about sexual

exploitation by UN humanitarian workers in West Africa and Haiti in 2003, the UN quickly adopted a Zero-Tolerance Policy (ZTP) against sexual exploitation and abuse by its peacekeepers (Annan 2003). This policy forbids the exchange of money, food, other goods, and assistance for sex in mission areas, prohibits sexual contact between peacekeepers and children, and "strongly discourages" sexual relations between UN personnel and locals (Jennings 2019, 30). At a bare minimum, it is clear that the response to sexual exploitation in UN missions has become more serious in the form of clear and official denouncement and condemnation. That said, the ZTP has not improved accountability nor reduced the number of allegations in practice (Smith 2017, 408). While it may indeed be a worthy aspiration, it lacks the precision needed to be useful in practice, and the lack of a precise definition of what is considered 'exploitation' and 'agency' allows for ambiguity that can be abused by perpetrators to avoid being charged. Additionally, many of these claims depend on victims coming forward and reporting their experiences - it is rare that whistle-blowers come forward with evidence like Bolkovac, who was dismissed from her role in Bosnia after revealing the exploitation. In a situation where underreporting is already rife, the dismissal of an evidence-laden whistle-blower combined with an ambiguous ZTP makes tangible change even less likely. This lack of effectiveness opens the UN up to further criticism about how genuine its response is and whether the ZTP is more consistent with lip service and temporarily silencing criticism reactively rather than making a genuine step toward human

rights and gender equity within its programs.

The ZTP also embodies some of the weaknesses of the UN bureaucracy and its tendency toward depoliticization. In the process of categorizing sexual exploitation and abuse into a neat acronym (SEA) and designating “SEA focal points,” this bureaucratization works to provide technical responses to problems that are much more complex and political than they are treated. While technical solutions are valuable, they cannot work alone to fix a systemic issue (Louis and Maertens 2021, 28). A similar criticism may apply to the notion of simply adding more women to the UN task force when embarking on peacekeeping and peacebuilding missions. A recommendation that has often been given is that the involvement of more female peacekeepers will dilute male chauvinistic tendencies and make female victims feel more comfortable in peacekeeper presence (Narang et al. 2021, 173). More training has also been implemented in some teams, such as Norway’s specialized police team in the UN peace mission in Haiti, which has investigated sexual and gender-based violence since 2010 (Coning and Peter 2019, 197). While there is some merit to these recommendations, and they are a valid and necessary measure in reducing gender disparity both on the peacekeepers’ side and on the victims’ side, they are too simplistic on their own and do not reach far enough (Simić 2010, 196). This problem is too deep-rooted at this point to be alleviated by the simple addition of more women and more training; it is a straightforward measure on a policy level to introduce gender quotas on missions, and it is easy for the UN bureaucracy to implement and present it as

a step forward, but it is one of the simplest measures possible and arguably the bare minimum.

It would be unreasonable to expect the bare minimum to enact fundamental change in the organization without some additional systemic shifts. Unfortunately, attempts at the quick fixes mentioned before come alongside a tendency to belittle the issue at hand, ignoring the larger modifications that need to be made. In 2010, a movie was released inspired by Bolko-*vac’s* story and the case of sex trafficking in Bosnia. The film renewed attention toward the topic to such an extent that Ban Ki-Moon, the UN Secretary-General at the time, staged a special screening and pledged action. However, it emerged that senior officials in the UN, likely to save face, tried to downplay the contents of the film, which had already diminished the violence for the sake of the screen audience (Vulliamy, 2012). This unwillingness to overcome institutional shame by enacting firm policies, such as introducing justice systems that overshadow immunity in such cases, casts further doubt on the UN as an institution that cares for those in need over perpetrators of human rights violations.

The UN failed to prevent this human trafficking from taking place and additionally did not hold the perpetrators accountable. This failure of accountability was largely due to ambiguity of jurisdiction, which would not have been the case had the actors not had the international immunity that allowed their impunity. The victims of exploitation and abuse must be assured that those who commit crimes against them are held to at least national jurisdiction, if not international (Cazala and Costa 2018,

3). Another measure which ought to be implemented is a more precise mandate surrounding organized crime in regions where peace missions are taking place. Almost 75 percent of UN peace operations take place in regions that are strongly affected by organized crime groups, though the UN Security Council only began to consider the threats they pose to peace missions in 2010 (Coning and Peter 2019, 171). Currently, only a minority of peace operations have explicit mandates regarding organized crime groups. This is another change that the UN could implement that is relatively straightforward compared to a systemic change, such as increased waiving of peacekeepers' immunity in cases of sexual abuse.

Unfortunately, this case of sexual exploitation at the hands of UN-affiliated personnel in Bosnia was neither the first nor the last of its kind, and therefore, many of the lessons learned from it remain applicable both to subsequent cases in the past and any future operations. In 2002, there was a child sexual abuse scandal among aid workers in West Africa (Alexander and Stoddard 2021). In 2007, more children were found to have been sexually abused by peacekeepers in Haiti, despite the adoption of Conduct and Discipline Units and the ZTP (Associated Press 2015). Further, of the 134 peacekeepers found in the report, none of them faced criminal charges, and 114 were sent home (ibid). Despite some institutional reforms and the introduction of the ZTP, the root behavioural drivers and culture surrounding peacekeepers have not substantially changed, and this is only exacerbated by the insufficient reporting mechanisms for victims

to share their experiences and receive help. The victims in missions like those in Haiti and West Africa distrust the confidentiality of the reporting mechanisms and also fear using them, often using the phrase "we are chased away" in reference to their attempts at reporting the abuse (Davey et al. 2010). While the location may change, and the people on the missions may change, the fundamental structure of the UN peacekeeping missions remains the same, and lack of trust in law enforcement is an issue that haunts each operation.

The UN also faces a staffing issue that causes them to have to reach out increasingly to private military companies like DynCorp; there has been a lack of specialists and resources despite increasing demand for such actors in on-the-ground peacekeeping since the 1990s (Østensen 2011, 19). This problem is extremely complex, and solutions are not within the scope of this paper; however, it is safe to say that with the increased need for and use of private military companies, there must be more stringent regulations in order to hold them and their employees accountable for their actions. In Bosnia's case, the fault was not squarely on the shoulders of DynCorp, especially since private militaries were not necessarily involved in other cases of sexual exploitation on peace missions. Nonetheless, this is a measure that must be taken in order to protect the integrity of the UN peacekeeping missions.

The UN Peace Mission in Bosnia had some successes, such as the implementation of the Dayton Accords, a feat that has since kept general peace in the region and allowed the development of political institutions in Bosnia

and Herzegovina. This includes the reform or creation of ministries such as the Ministry of Foreign Affairs, Ministry of Foreign Trade and Economic Relations (Cretu 2015, 1). These ministries have helped the country on its path to becoming part of the European Union; though they were not members at the time of publication, they were recognized as candidates for membership in December 2022 (DG NEAR 2023). That said, Bosnia and Herzegovina is still a country that – along with others in the former Yugoslavia – struggles with government corruption, public mistrust in its political institutions, and indeed human trafficking (Cretu 2015, 3). With that in mind, the UN Peace Mission in Bosnia not only perpetuated sexual exploitation and trafficking but also helped implement an imperfect peace process that maintains many of the region’s pre-existing issues.

In sum, this paper argues that the UN failed in its peace mission to Bosnia (UNMIBH,) playing an actively detrimental role in the victims’ experience of sexual exploitation and human trafficking and an insufficient role in holding accountable those who were at fault. The immediate response was more beneficial for the UN’s public image than the victims, and the ZTP that was later implemented made insufficient changes in the prevalence of abuse. The immunity invoked, and the lack of prosecution of the criminals set an unfortunate precedent for the cases in West Africa, Haiti, and Central Africa, where more women and children were abused at the hands of UN peacemakers and humanitarian workers. This paper recommends implementing mechanisms to remove UN immunity from those who have committed such

violent acts, such that they face consequences more serious than merely being sent home. Other recommendations include expanded understanding and training regarding organized crime presence in post-conflict zones, more precisely defined measures regarding the accountability of private military companies, and an improved reporting mechanism for victims of sex crimes on peacekeeping missions. While this problem is certainly deep-rooted, tangible change must be made and experienced by those who depend on the UN.

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