

Governing sexual behaviour through humanitarian codes of conduct

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Since 2001, there has been a growing consensus that sexual exploitation and abuse of intended beneficiaries by humanitarian workers is a real and widespread problem that requires governance. Codes of conduct have been promoted as a key mechanism for governing the sexual behaviour of humanitarian workers and, ultimately, preventing sexual exploitation and abuse (PSEA). This article presents a systematic study of PSEA codes of conduct adopted by humanitarian non-governmental organisations (NGOs) and how they govern the sexual behaviour of humanitarian workers. It draws on Foucault's analytics of governance and speech act theory to examine the findings of a survey of references to codes of conduct made on the websites of 100 humanitarian NGOs, and to analyse some features of the organisation-specific PSEA codes identified.

Keywords: accountability, code of conduct, governance, humanitarian, PSEA, sexual abuse, sexual exploitation

Introduction

In the past decade there has been growing consensus that sexual exploitation and abuse (SEA) of the intended beneficiaries of aid by humanitarian workers is real and widespread. This SEA encompasses a broad range of behaviour from forced sex, child prostitution and child pornography to the exchange of sex or sexual acts for protection, food and non-food items, and consensual relationships based on highly unequal power relations (Morris, 2010, p. 189). In the face of difficult and often desperate circumstances, some people enter into sexual relations with humanitarian workers as a means of survival. According to a study commissioned by the Humanitarian Accountability Partnership, this is happening on such a scale that 'the elderly in one camp requested that they be considered separately from younger women because they were finding it difficult to get on a [humanitarian aid distribution] list when no one was interested in having sex with them' (Davey et al., 2010, p. 32).

At first glance, the idea of humanitarian workers engaging in sexual activities with the intended beneficiaries of aid seems unambiguously immoral. While the reality is far more complex, for the purpose of this paper sexual activity between humanitarian workers and the intended beneficiaries of aid is assumed to be something that needs to be prevented.

Sexual exploitation and abuse by humanitarian workers can have far-reaching negative consequences. For the victim, SEA can lead to sexually transmitted diseases, unwanted pregnancies, depression, the loss of sexual pleasure and social stigmatisation,

while the children born of SEA are at risk of neglect, abuse, malnutrition and abandonment (Amowitz et al., 2002; Nishith et al., 2000, p. 20; Nowrojee, 1996; Spees, 2004, p. 25). Furthermore, in many cultures, people use sexual experiences to form their own identities (Foucault, 1976). As a result, sexual activity has the potential to threaten people at the most fundamental level—how they perceive themselves. At the community level, SEA can have long-term consequences including higher rates of HIV/AIDS, increased sex trafficking and decreased trust in humanitarian agencies (Jennings, 2010; Morris, 2010, p. 190; Spees, 2004). Finally, humanitarian organisations are founded, and base their credibility, on the moral imperative to assist those in need. In this context, SEA by humanitarian workers threatens the credibility of the organisations involved and the humanitarian sector as a whole. Given the enormity of these consequences, understanding how best to curb SEA in humanitarian situations is paramount.

Codes of conduct have been promoted as a key mechanism for governing the sexual behaviour of humanitarian workers and, ultimately, preventing sexual exploitation and abuse (PSEA). Codes of conduct have long been used by humanitarian organisations to guide and govern the conduct of staff. However, it was not until 2002, when a report pointing to high levels of SEA by humanitarian workers and UN forces in Guinea, Liberia and Sierra Leone (UNHCR and Save the Children UK, 2002) became widely publicised, that SEA became viewed as an issue requiring governance. The findings of the report, and subsequent investigation by the UN Office for Internal Oversight Services (UN Secretary General, 2002), prompted the UN and the humanitarian sector more broadly to examine how the sexual behaviour of staff should be governed.

In 2003, the UN adopted the Secretary General's bulletin, *Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (referred to as the Bulletin hereafter), which acts as a PSEA code of conduct for all UN staff (UN Secretary General, 2003). The Bulletin defines sexual exploitation as 'any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes' and sexual abuse as 'any actual or threatened physical intrusion of a sexual nature, whether by force of under unequal or coercive conditions' (UN Secretary General, 2003, p. 1). Under the Bulletin, acts of SEA constitute 'serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal' (UN Secretary General, 2003, p. 2). It also prohibits all sexual activity with children (under 18 years of age) regardless of consent, age of consent in the host state or mistaken belief of age. All prostitution is prohibited, while relationships between peacekeeping personnel and beneficiaries are 'strongly discouraged'. The UN investigation that led to the development of the Bulletin recommended that all humanitarian organisations adopt codes of conduct that include, at a minimum, the core principles of the Bulletin (UN Secretary General, 2002). The period since has seen a range of humanitarian actors—including non-governmental organisation (NGO) partnership bodies such as the Humanitarian Accountability Partnership (HAP), donors and some individual NGOs—push for the development and adoption of PSEA codes of conduct.

The promotion of NGO PSEA codes of conduct raises a number of questions. How do these codes govern sexual behaviour? Do different codes draw on different governance techniques? And, more fundamentally, what organisations already have codes of conduct in place and how do they cover sexual behaviour? While there is a substantial literature on humanitarian codes of conduct, most of this has tended to focus either on broad codes of conduct without specific reference to PSEA or on SEA by UN personnel and peacekeepers rather than humanitarian workers. There has not been any systematic study of NGO PSEA codes of conduct and how they operate as a governance mechanism. This paper seeks to fill this gap.

The paper is structured as follows. The first section establishes a theoretical framework based on Foucault's analytics of governance and speech act theory, and translates this into three practical steps for analysing how PSEA codes operate as a form of governance. These steps guide the rest of the paper. The first step traces the problematisation of SEA in the humanitarian sector and the emergence of PSEA codes of conduct. The second establishes who is being governed by PSEA codes and what sexual behaviour is covered. This is based on a survey of references to codes of conduct made on the websites of 100 humanitarian NGOs (see the appendix). The third step unpacks the precise mechanisms through which PSEA codes govern sexual behaviour based on a comparison of two PSEA codes. The final section concludes the paper.

Theoretical framework

Drawing on Foucault's analytics of governance and speech act theory, this section aims to establish a framework for understanding how governance mechanisms shape social practice. This framework will then be applied to PSEA codes of conduct to shed light on how they govern the sexual behaviour of humanitarian workers.

Foucault's analytics of governance provides guidance on how a particular phenomenon comes to be, and is subsequently, governed. By defining government broadly as the conduct of conduct, Foucault (1976) expands the traditional state-centric view of government to include any attempt to deliberate on and regulate human conduct. According to Foucault, the core aim of government is to shape the way we perceive who we are and what we should be, and, by doing so, create the social reality that the governing body suggests already exists (Lemke, 2000, p. 13). This approach is based on the assumption that human behaviour can be regulated, controlled and shaped.

Government may draw on a range of different governance techniques: from coercive top-down rules to more subtle mechanisms such as social norms that alter the way the self is constructed (Foucault, 1993, pp. 203–204). Where subtle mechanisms are relatively widespread and effective, governments are able to dispense of more direct, top-down forms of governance including repression and constraint. This situation—in which the governed come to identify with and internalise the behaviour advanced by government—is considered to be the most successful form of governance (Dean, 1999, p. 25). Foucault argues that advanced liberal democracies

have undergone such a shift; power and governance have gradually become decentralised with individuals increasingly held responsible for their own actions. One of the most tangible manifestations of this has been the transformation of collective social issues—such as mental health, criminality and poverty—into problems of self-care (Foucault, 1991a, p. 103).

For a given phenomenon to be governed, or even imagined as being potentially governable, it must first be thought of as a problem to be overcome (Foucault, 1991b). This problematisation occurs at a specific moment in which actors ask: how should the governors and governed conduct themselves. Analysing the process of problematisation involves asking how a particular form of behaviour came under scrutiny, who identified it as a problem, and what programmes of reform and rehabilitation have been set in motion.

Once the problematisation of a given phenomenon has been established, Foucault's analytics of governance directs the researcher to examine the rationalities that underpin the resulting governance (Foucault, 1981, p. 226; Foucault, 1991b, p. 79). These rationalities are not neutral: they are determined by the governing body through the exercise of power. The governing body effectively creates an order within which standards of reason, truth and good are established. It then instructs the researcher to examine how these rationalities correlate to reality, and how they function as a "politics of truth", producing new forms of knowledge, inventing new notions and concepts that contribute to the "government" of new domains of regulation and intervention' (Lemke, 2000, p. 7). Dean proposes a range of questions to guide this approach. These include: what aspects of conduct does the governing body draw attention to and how; what aspects of conduct are hidden or excluded; what mechanisms, procedures, techniques and vocabularies does the government draw on; how do the practices of governing generate particular 'truths'; and what kind of persons does the government assume it is governing (Dean, 1999, p. 32). An important addition to this approach is to examine what types of governed people are assumed to have agency or power and what types are not.

Foucault's analytics of governance is complemented by speech act theory, which examines the precise mechanisms through which institutions shape social practice. Speech act theory posits that social institutions govern the behaviour of a set of people by establishing widespread trust in a system of expectations guaranteed by the inter-subjective understanding of the rules (Hall, 2010, p. 70). These institutions are able to achieve this by employing a special type of power—deontic power¹—that obliges people to act in a manner that is not driven by desire (Searle, 2005, p. 10). This deontic power is generated by the illocutionary force of certain speech acts² and is evidenced in the use of terms such as rights, duties, obligations, authorisations and certifications (Buzan et al., 1998, p. 17; Kratochwil, 1989, p. 8).

A brief examination of the social institution of promising helps clarify the logic and practice of speech act theory. Promising is an oft-used rule-bound social institution governed by relatively simple inter-subjectively understood rules. One only has to use the words 'I promise' to invoke the social institution of promising. The utterance

of these words creates certain duties and responsibilities for both the promiser and the receiver of the promise (Kratochwil, 1989, p. 91).

The deontic power of a promise stems from the illocutionary force generated by the self-representation of the speaker as a moral agent. The receiver of the promise must give credence to the promise, even if they doubt the promiser's sincerity; to do otherwise is to deny the promiser the status of a moral agent (Kessler et al., 2010, p. 1; Kratochwil, 1989, p. 147). If the promiser fails to deliver what they have committed to do due to a structural feature of the normative order, their violation will be pardoned and their moral agency left in tact (Hall, 2010, p. 62). If, however, they fail due to rational deliberation or the calculation of utility, they surrender the social and moral agency required to make promises in the future (Kessler et al., 2010, p. 11). Promises, and other social institutions, do not work because of threatened sanctions or coercion. Rather, they work because of the perceived duty of a person to make good on their commitment (Hall, 2010, p. 62).

By combining Foucault's analytics of governance and speech act theory this section has established a theoretical framework for understanding how social institutions shape social practice. This framework can be translated into three practical steps for analysing how NGO PSEA codes of conduct govern sexual behaviour. Foucault's analytics of governance indicates that the first step is to identify the problematisation of the phenomenon in question. This involves establishing how SEA came to be thought of as a problem requiring governance, and outlining what programmes of reform and rehabilitation were set in motion. The second step involves drilling down to identify what PSEA codes of conduct have been adopted, what aspects of sexual conduct are included/excluded, and who exactly is being governed. The final step examines the precise mechanics through which PSEA codes shape sexual behaviour. Guided by speech act theory, this step examines the evidence for PSEA codes of conduct having deontic power, and looks at how this is generated and supported. It then uses Foucault's analytics of governance to ask: what mechanisms, procedures, techniques and vocabularies do the PSEA codes draw on; how do these codes generate particular truths; and what kind of persons do these codes of conduct assume of the governed. The remainder of this paper employs this three-step process.

Step 1: how did sexual behaviour come to be governed through codes of conduct?

By tracing how SEA came to be viewed as a problem requiring governance and how PSEA codes emerged as a governance mechanism, this section seeks to establish the problematisation of SEA in the humanitarian NGO sector. This is based on a review of the growing body of literature on SEA and governance mechanisms in the peace-keeping and humanitarian sectors.

The primary aim of humanitarian relief is to provide emergency assistance in the wake of large-scale natural disasters or conflicts in order to save lives, alleviate suffering and maintain human dignity. The countries that receive this relief typically

have ‘high levels of poverty, collapsed economies, weak judicial systems, corrupt and ineffective law enforcement agencies, weak or non-existent rule of law’ (Ndulo, 2009, p. 130). The humanitarian sector that provides this relief is composed of a complex mosaic of different actors including the United Nations agencies, governments, international, national and local NGOs, and armed forces (Stephenson, 2005, p. 3). While an extensive literature has emerged around PSEA codes of conduct that apply to UN and peacekeeping personnel, the NGO sector remains largely overlooked. This paper aims to fill this gap by focusing specifically on PSEA codes that apply to NGO personnel.

Humanitarian relief is generally underfunded. As a result, deciding who receives aid presents ‘field-level staff and local authorities and elites with considerable power, and considerable opportunity to abuse it’ (Willitts-King and Harvey, 2005, p. 33). A growing body of literature shows that many intended beneficiaries of aid enter into sexual relations with humanitarian workers as a survival mechanism amid insufficient food rations and extreme poverty (Lalor, 2004, p. 22). A widely publicised report indicating high levels of SEA by humanitarian workers and UN forces in West Africa (UNHCR and Save the Children UK, 2002) prompted an investigation by the UN Office for Internal Oversight Services. This investigation found that SEA was real and widespread (UN Secretary General, 2002). The period since has seen a number of very public SEA scandals involving humanitarian NGO workers. Reducing the damage these scandals have on the reputation of NGOs has been one of the key drivers behind the push for SEA governance in the sector (Laville, 2009).

The problem of SEA in humanitarian contexts is not new. Similar allegations have been made about nearly every peacekeeping and humanitarian relief operation including Bosnia and Herzegovina, Burundi, Cambodia, Côte d’Ivoire, the Democratic Republic of the Congo, Ethiopia, Eritrea, Haiti, Kosovo, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sudan and Timor-Leste (Grady, 2010, p. 218; Murphy, 2006, p. 531). However, it was not until 2002 that sexual conduct became widely problematised and seen as an issue requiring governance within the sector. Harrington situates this problematisation historically, noting that the ‘post-Cold War convergence of human rights, trauma and gender expertise in international politics’ led to sexual abuse increasingly being viewed as an international security problem (Harrington, 2010, p. 1). In this way the problematisation of SEA in the humanitarian sector is located within a trend towards problematisation of sexual abuse in international governance more generally.

While people of all ages and both sexes have been the target of SEA, the most common age is 14 to 15 years old with females disproportionately affected. Already vulnerable children—including orphans, children separated from their families and children from especially poor families—are particularly at risk. With regard to the perpetrators, staff members from a wide range of backgrounds and from every level of humanitarian NGOs have been implicated. While there have been some cases of female humanitarian workers abusing male intended beneficiaries, the overwhelming majority of perpetrators are male (Csaky, 2008; Davey et al., 2010, p. 36).

The literature points to a number of reasons why some humanitarian workers chose to enter into sexual activities with intended beneficiaries. The most commonly cited reason—that ‘boys will be boys’—suggests that SEA is an inherent part of the male character that cannot, and should not, be controlled (Martin, 2005; Morris, 2010, p. 189; Whitworth, 2005, p. 107). SEA has also been explained in terms of operational efficiency, and the psychological and social difficulties of operating in the field (Commission of Inquiry into the Deployment of Canadian Forces to Somalia, 1995; Mendelson, 2005, p. 34). These reasons imply that while there is something inherently wrong with SEA, this ‘wrong’ is subordinate to something more powerful or important such as male sexual urges or operational efficiency. In doing so, they depict SEA as the inevitable consequence of peacekeepers and humanitarian workers interacting with affected populations. This, in turn, enables humanitarian workers to avoid taking responsibility for their own actions while downplaying the often far-reaching negative consequences of SEA for the victims and their communities. While a more thorough examination of the reasons why some humanitarian workers perpetrate SEA is called for, it lies beyond the scope of the present paper.

NGO workers rarely benefit from the legal immunities available to UN and diplomatic staff. As a result, they can be legally prosecuted for criminal activities including some forms of SEA (Simm, 2011, p. 26). There are three legal avenues available—the host country, the home country and the International Criminal Court (ICC)—however, all three remain problematic in practice. Prosecution through local legal systems is made difficult by the fact that many countries affected by humanitarian crises do not have strong legislation governing sexual conduct. For those that do, prosecution is often complicated by dysfunctional or transitional local legal systems, high levels of corruption and a fear that prosecution will lead to a decrease in humanitarian assistance (Harrington, 2005, p. 19).

A second option is for humanitarian workers to be prosecuted under the legal systems of their own home countries via extraterritorial legislation: laws that a country applies to the activities of its nationals occurring beyond its borders. Where extraterritorial legislation that covers sexual behaviour exists, it tends to be limited to SEA involving children. While providing a legal mechanism for this demographic alone would be a significant step, only 20 countries have enacted such laws to date (Harrington, 2005). Where these laws have been established they are generally poorly enforced due to a number of difficulties including the legal and logistical problems of obtaining evidence and witness testimonies across international borders (Edelson, 2001; Kihunah, 2007, p. 1; Rudén and Utas, 2009, p. 3). Finally, in order to be prosecuted through the ICC, a crime must be part of an organised plan to harm the population as a whole. This is not generally the case with SEA in the humanitarian sector (Harrington, 2005, p. 22). While there is potential for the expansion of home and host country legislation to cover SEA by humanitarian workers, at present all three legal options remain limited.

Given the shortcomings of the available legal options, humanitarian NGOs have adopted a variety of measures to govern sexual conduct. These include: addressing the

root causes of gender-based violence including poverty, inequality and the breakdown of social structures (Spencer, 2005, p. 173); establishing and implementing PSEA codes of conduct; and working to minimise the recurrence of SEA through stricter recruitment vetting and monitoring processes (Morris, 2010, p. 199; Spencer, 2005, p. 173). The UN, a range of accountability partnership organisations and certain individual NGOs³ have strongly encouraged the adoption of PSEA codes of conduct. Meanwhile, other NGOs—most notably Médecins Sans Frontières—have distanced themselves from this push, arguing that codes of conduct make humanitarian response overly technocratic at the expense of ethical and political considerations (Hilhorst, 2002, pp. 201–202).

Codes of conduct are sets of principles that establish a ‘bottom-line’ of acceptable behaviour (Ebrahim, 2003, p. 820). By doing so these codes set a standard against which the performance of the organisation may be measured, and to which NGOs and humanitarian workers can be held to account by intended beneficiaries, members, staff, partners and affiliates, donors, governments and other stakeholders (Hilhorst, 2002, p. 203).

By establishing a standard of acceptable behaviour, NGO codes of conduct represent an important precondition for the use of disciplinary measures. The use of disciplinary measures also requires the establishment of monitoring and enforcement mechanisms (Davey et al., 2010, p. 54). In an analysis of 149 general NGO codes of conduct, Lloyd et al. (2010) found that only 27.5 per cent had any form of compliance mechanism in place. They noted that this low rate ‘raises significant questions about the effectiveness of many of the existing codes’ (Lloyd et al., 2010, p. 9). While the present paper focuses on how codes of conduct govern sexual behaviour, this compliments a growing body of literature on the effectiveness of SEA monitoring and enforcement mechanisms (Csaky, 2008; Davey et al., 2010).

Step 2: who is governed and what sexual behaviour is covered?

This section presents the findings of a survey of references to codes of conduct made publicly available on the websites of 100 humanitarian NGOs, and a review of the organisation-wide codes identified. By examining which organisations refer to what codes of conduct, to whom these codes apply, what disciplinary measures are mentioned and what forms of sexual behaviour are covered, this section aims to establish who is being governed and what forms of conduct are covered.

Before intended beneficiaries, donors, governments and other humanitarian stakeholders can hold an organisation to their code of conduct commitments they need to know what it contains. The ability for NGOs to communicate this information to their stakeholders, therefore, is crucial. I have chosen to focus on one of the key channels NGOs use to communicate information to their stakeholders: their website. By reviewing references made to codes of conduct on the websites of humanitarian

NGOs, this paper seeks to establish how many NGOs have codes of conduct that are readily available to any person who has access to the internet. This approach has a number of limitations including the fact that many intended beneficiaries do not have ready access to the internet. Further research is required to determine how much intended beneficiaries know about the organisations that provide relief services—including whether they have a code of conduct and what it contains—and what other methods NGOs use to disseminate their codes of conduct.

Given the plethora of NGOs, I have chosen to narrow my research to focus on those organisations that cite humanitarian relief as a core component of their mandate and that have a web presence with information available in English. The sample selection was based on the membership of three broad-based humanitarian partnership bodies: Humanitarian Accountability Partnership (HAP), People in Aid and VOICE, along with organisations referred to on the websites of these member organisations. Given the role of these partnership bodies in promoting a more accountable sector, the findings are likely to show a higher rate of codes of conduct than exists in the broader humanitarian sector. Despite these limitations, the sample includes: NGOs based in a wide range of countries;⁴ the largest humanitarian NGOs in addition to a range of smaller, national organisations; organisations working in a range of countries; and a variety of secular and faith-based organisations. When combined with the relatively large sample size, these factors endow the findings of this study with a considerable level of generalisability within the sector.⁵

The content of each website—including web content, press statements and policy briefs—was thoroughly scanned, both manually and using the search function where available, for references to a code of conduct. Most of the websites surveyed were based on a similar layout, with information categorised according to ‘home’, ‘about us’, ‘what we do’, ‘where we work’, ‘get involved’ and ‘resources’. There was no standardisation in the placement of references to codes of conduct on the websites examined. References were either made in ‘about us’, ‘what we do’ and ‘resources’ categories or subsections of these. This lack of standardisation makes it more difficult for stakeholders to locate these codes, and, in turn, hold these organisations to their commitments.

Of the 100 NGO websites surveyed, 41 did not make any reference to a code of conduct. Four organisations made reference to a code of conduct but it was either unclear what code they were referring to or, if it was an organisation-wide code, the code was not made publicly available on the website. A total of 35 organisations referred to an external or third-party code of conduct, but not to an organisation-wide code. Of these, 28 referred to the International Committee of the Red Cross (ICRC) code, nine referred to the People in Aid code of good practice (PIA code), and five Australian organisations referred to the government-based ACFID code of conduct. None of these external codes cover sexual conduct. Various other third-party codes were also mentioned.⁶ None of these organisations referred to the Bulletin. The different terms organisations use to refer to these third-party codes indicate different levels of commitment to and perceived implementation of these codes.⁷ The

websites of 18 organisations referred to a general organisation-wide code of conduct that was made available. Of these, nine also referred to a third-party code,⁸ and four had additional PSEA specific codes or child protection policies.⁹ In addition, Voluntary Services Overseas (VSO) has a child protection code but does not refer to a code of conduct, and Lutheran World Foundation (LWF) has a PSEA code but refers to the ICRC for its general code of conduct.

The organisation-wide codes differ in relation to: to whom they apply; whether they are signed; whether staff members have an obligation to report a breach of the code; and the disciplinary actions specified. Of the 20 organisations with PSEA, child protection or organisation-wide codes of conduct 12 codes apply to all employees/personnel/staff, four apply to a subsection of employees and some codes also apply to interns, volunteers, representatives of the organisation, people visiting programmes and partners.¹⁰ They also vary in their scope of application. While most refer to workplace conduct, the codes of conduct of six organisations extend this, in varying degrees, to the private lives of their staff.¹¹ The Muslim Aid Code states explicitly that it is not applicable to the private lives of its staff. Three organisations state that their codes of conduct are not exhaustive, and that any additional issues should be referred to a supervisor, manager or line manager.¹² Among organisation-wide codes, therefore, there is a high degree of variation in scope of applicability and designation of who is being governed.

It is possible to identify a spectrum of enforceability among the identified codes. Of the 20 codes, 11 indicate that they should be signed,¹³ 10 refer to a duty or obligation for staff to report any breach¹⁴ and 10 refer to disciplinary actions including summary dismissal.¹⁵ Diakonia notes that breaches may be referred to the police while the Norwegian Refugee Council (NRC) refers to legal action. Only five codes specify to whom the organisation is accountable.¹⁶ With regard to the reporting of suspected violations, eight codes state that there is a duty/obligation to report suspected violations¹⁷ and five detail reporting procedures.¹⁸ Both the Community Development Centre (CODEC) and Plan establish that whistleblowers will be protected.

The 20 organisation-wide codes of conduct also differ in the extent to which they cover sexual behaviour. Four organisations—CODEC, Islamic Aid, Inter-Church Organisation for Development Cooperation (ICCO) and ICRC—do not make any reference to sexual conduct. These codes only cover sexual conduct indirectly, for example, the ICRC Code requirement that the allocation of aid is only made on basis of need excludes the allocation of aid in exchange for sex. A further three organisations—Islamic Relief, Muslim Aid and War Child NL—only briefly refer to sexual conduct.¹⁹ Seven organisations—Christian Aid, Diakonia, Danish Refugee Council (DRC), Lutheran World Foundation (LWF), Norwegian Church Aid (NCA), Norwegian Refugee Council (NRC) and War Child UK—refer extensively to sexual conduct. All refer to sexual relations with a child and all except Diakonia state that a child is anyone under 18 years of age. Five state that mistaken belief of age is not a defence.²⁰ All seven refer to prostitution/commercial exchange of sexual services and all except Christian Aid refer to the exchange of sex for non-financial benefits. With the exception of Diakonia, all refer to the humanitarian worker having

power or being in a position of authority. All except Christian Aid and Diakonia refer to the exploitation of vulnerable people; four refer to the responsibility to develop an environment in which SEA is not tolerated;²¹ three refer to child abuse;²² and six refer to relationships between beneficiaries and aid workers.²³ Some codes use a limited number of terms to refer to sexual activities. War Child UK, for example, primarily refers to sexual harassment, while others, such as the DRC, draw on a wide range of terms including SEA, sexual services and sexual relationships.

DRC, NCA, NRC and War Child UK use the terms 'sexual abuse' and 'sexual exploitation' and generally bear a close resemblance to the language of and issues covered in the Bulletin. Five organisations—DRC, International Save the Children Alliance, International Rescue Committee (IRC), MERCY Malaysia and War Child UK—refer explicitly to the Bulletin. The level of stated commitment to the Bulletin ranges from the DRC, which directs the reader to it for guidance and interpretation, to the IRC, which states that it 'vigorously enforces' the Bulletin. In covering sexual conduct, IRC and MERCY Malaysia only refer to the Bulletin. Meanwhile LWF and NCA refer to the ACT Alliance PSEA code of conduct.

Four organisations—EveryChild, International Save the Children Alliance, Plan and VSO—refer extensively to PSEA but limit this to the protection of children. These child-focused codes are the most extensive in governing sexual conduct and high-risk behaviour, including sleeping in the same bed as a child, spending excessive time alone with children away from others, and assisting children with tasks of which they are capable. All four codes refer to: exploitation and abuse of children; the responsibility to develop an environment where abuse and exploitation is not tolerated; and sexual relationships with children (with a child being anyone under the age of 18). International Save the Children Alliance specifies that mistaken belief of age is not a defence. In addition, EveryChild prohibits paying for sex and being paid for sex. These child-focused codes cover a broader range of sexual and non-sexual abuse by using the term 'exploitation and abuse (including sexual)' rather than 'sexual exploitation and sexual abuse'. Similarities in the language used and issues covered by these codes can be explained by: significant dialogue between these organisations; extensive collegial links and staff mobility between PSEA positions; and the tendency for organisations to look to the industry standard when drafting child protection policies.²⁴

In all cases it is the conduct of the humanitarian aid worker that is being governed while the intended beneficiary or child represents the potential target. While some codes note that intended beneficiaries, especially women and children, are particularly vulnerable in humanitarian situations, organisation-wide codes do not generally explain the root causes of this vulnerability. These root causes may be addressed by organisations in greater depth elsewhere.

Notably, one aspect that is not covered by any of the reviewed codes is the logic behind why humanitarian workers choose to pursue such sexual behaviour. By ignoring this aspect, these codes of conduct perpetuate the idea that these reasons are not important. This may either be because this behaviour is considered to be normal and expected or because it is considered to be intolerable regardless of the circumstances.

Step 3: how do PSEA codes work?

This section examines the precise mechanisms through which PSEA codes of conduct govern behaviour. This is based on a comparison of the DRC and War Child UK codes of conduct. Both codes refer extensively to PSEA but draw on different vocabularies, grammar techniques and logics. This section aims to identify and analyse what these differences mean for how they operate. Guided by speech act theory and Foucault's analytics of governance, this section examines what evidence there is of PSEA codes having deontic power, how this deontic power is generated, what rationalities these codes are based on, what truths they advocate and what identities are created.

Case 1: War Child UK Code of Conduct

'War Child opposes prostitution, sex trafficking and other forms of trafficking in persons; War Child UK staff and volunteer workers will not abuse children through either action or neglect; War Child UK representatives will not participate in activities that are illegal, unsafe or abusive for children; War Child prohibits sexual harassment of any individuals, employee or programme participant, regardless of their work relationship' (War Child UK, 2009, p. 3).

Case 2: Danish Refugee Council (DRC)

3.7.3 I will never engage in any exploitative relationships, emotional, financial or employment-related with persons of concern. I will act responsibly when hiring or otherwise engaging persons of concern for private services. I will report in writing on the nature and conditions of this employment to my manager.

3.7.4 I will not engage in sexual activity with children under the age of 18. Mistaken belief in the age of the child does not constitute a defence.

3.7.5 I will not engage in sexual exploitation or abuse of persons of concern, and I have a particular duty of care towards women and children.

3.7.6 I will neither solicit nor engage in commercial exchange of sexual services as such relationships may undermine the credibility and the image of the Humanitarian Sector and of DRC.

I am aware that DRC strongly discourages sexual relationships between its staff members and persons of concern [. . .] Should I find myself in such a relationship with a person of concern that I consider non-exploitative and consensual, I will report this to my manager for appropriate guidance in the knowledge that this matter will be treated with due discretion' (Danish Refugee Council, 2007, p. 5).

What evidence is there that these PSEA codes have deontic power? An analysis of PSEA codes shows that they draw on different auxiliary verbs: for example, War Child UK and DRC use 'will' while other PSEA codes use terms including 'may',

‘must’, ‘shall’, ‘should’ and ‘have to’.²⁵ The terms ‘duty’, ‘responsibility’ and ‘prohibited’ are also used. These terms indicate different degrees of obligation or deontic power. For example ‘will’ in the first person implies the willingness and determination of the agent, while ‘must’ and ‘have to’ are used to express something that is obligatory. ‘Duty’ has strong overtones of a debt due to someone and appeals to moral obligation; ‘responsibility’ has a greater sense of personal accountability while ‘prohibited’ removes all moral connotations by categorically ruling out certain conduct. While different codes summon different levels of deontic power, no code can achieve exhaustive deontic power, as every situation is open to reinterpretation at a different point in time and from within a different normative framework.

How is this deontic power generated and supported? When an NGO or humanitarian worker signs or commits to a PSEA code of conduct, he/she is presenting him/herself as a moral agent. It is the illocutionary force of this self-representation that generates the deontic power of the code. The organisation or worker can then be held accountable to the code. This commitment is stronger when the code is signed and/or added to an employment contract. Given the low level of direct constraint on humanitarian workers, for example through legal mechanisms, the internalisation of the norms espoused by PSEA codes is especially important.

When this commitment is violated, the individual or organisation surrenders their reputation as a moral agent. Humanitarian organisations, unlike governments and businesses, are founded, and base their credibility, on the moral imperative to assist those in need. The removal of moral agency, therefore, represents a powerful threat to the legitimacy and, in turn, the funding on which humanitarian NGOs depend. The removal of moral agency has fewer repercussions at the level of the individual humanitarian worker due to the size, diversity and poor communications within the humanitarian sector. Furthermore, despite recent efforts by HAP, humanitarian workers are often hired in emergency situations without proper background and reference checks (Maxwell, 2008, p. 15). If a humanitarian worker violates a code of conduct, record of this violation is not necessarily passed on to future employees.

In order for codes of conduct to generate deontic power there must be a general belief in the reasonableness of the standard (Kratochwil, 1984, p. 698). Different PSEA codes cover different sets of sexual behaviour: from conduct that is widely condemned, such as the sexual abuse of children and rape, to more contested behaviour, including consensual sexual relations. The wide range of conduct covered indicates disagreement in the sector about what is acceptable and what is not, and, in turn, which standards are considered reasonable and which are not. This diversity of opinion undermines the ability of PSEA codes to summon the deontic power required to govern behaviour.

This section will now draw on Foucault’s analytics of governance to examine some specific features of these PSEA codes and what they mean for how they operate as a governance mechanism.

Analysing the vocabulary and grammar used by PSEA codes reveals that responsibility for the governance of conduct is pitched at different levels. Some codes such

as that of War Child UK and others are phrased in the second or third person, for example 'War Child opposes', 'War Child UK representatives will not', 'it has never been acceptable to' (NRC) and 'staff must never' (VSO).²⁶ As such they represent a top-down mode of governance in which responsibility is placed at the level of the organisation. Codes such as that of DRC and others, by contrast, are phrased in the first person, using terms such as 'I will/must',²⁷ 'I will not/never',²⁸ 'I have a duty to' (Muslim Aid) and 'I will never knowingly' (Christian Aid). These codes place the responsibility for the governance of sexual conduct at the level of the individual. In doing so, these codes go beyond the listing of rules to promote reflection on, and identification with, the code. According to Foucault, this internalisation of what the governing body is pushing represents a more effective form of governance (Foucault, 1991a, p. 103). If an organisation can show that it has provided staff with adequate tools, training and resources to be able to govern their own sexual conduct, it will also be better positioned to protect itself from potentially damaging SEA scandals.

There is a clear distinction between codes that are built on a defensive organisation-based logic and those that appeal directly to a responsibility to do no harm to intended beneficiaries. Codes that are built on a defensive logic establish that the primary aim of the code is to protect the reputation of the organisation: for example, EveryChild's code of conduct states that 'the purpose of the code is to protect the reputation of EveryChild and the people who work within the organisation'. In doing so, these codes frame the publicity of SEA rather than SEA itself as the problem. The rationality of governance is one of self-interest first. Other codes, by contrast, appeal directly to a responsibility to do no harm to intended beneficiaries.²⁹ These codes are based on the rationality that certain forms of sexual behaviour are inherently unacceptable because they are harmful to affected populations. The distinction between these rationalities is important because they prescribe different actions: the silencing of SEA incidents and the minimisation of public scandal is an appropriate response for organisations that base their codes on a defensive logic, while do-no-harm codes require the direct curtailment of SEA.

A number of identities are constructed through PSEA codes. These include the 'humanitarian worker' as the potential perpetrator and 'intended beneficiary' as the actual or potential victim. A clear dichotomy based on a strict hierarchy of power and agency is developed: the humanitarian worker is in a position of power while the intended beneficiary is vulnerable and lacks both power and agency. PSEA codes use this dichotomy to frame the problem of SEA in the absence of a clear definition, however this ignores the often complex and varied power relations at play. For example, the disparity in power between intended beneficiaries and local humanitarian workers is arguably less than with international workers. Based on the above logic, sexual relations between local humanitarian workers and intended beneficiaries should be considered more acceptable. This level of nuance is rarely reflected in PSEA codes.

The construction and reinforcement of these identities also ignores the often-complex dynamic between sexual experience and identity formation. Whether or not

a particular sexual experience is formative for the identity of those involved does not follow a predetermined path; it may change from person to person and from situation to situation. Whether a person feels that he or she was a victim or a victimiser in a particular situation may also change over time. Moreover, even when a humanitarian worker follows a code of conduct by refusing to engage in sexual relations, this does not prevent the intended beneficiary from feeling rejected, disempowered and suffering further pain. It should be kept in mind that a PSEA code cannot solve all potential problems in a given context, it can only raise awareness about and help try to avoid some of the most harmful.

PSEA codes tend to conflate consensual sexual activities, including consensual relationships and survival sex (that is, sexual activities engaged in due to extreme need), with coerced sexual activities, including rape and sexual slavery. In her analysis of the Bulletin, Otto argues that ignoring this often-fine distinction removes the agency, and in turn the dignity, of those intended beneficiaries who enter into such sexual activities voluntarily or as a means of survival (Otto, 2007, p. 18). This conflation also eliminates the possibility of sex as a form of labour, pleasure, empowerment or anything other than abusive behaviour. Furthermore, the majority of humanitarian workers that engage in SEA are male while the intended beneficiaries are generally female. By placing the power and agency with the humanitarian worker, these codes reinforce the portrayal of sexual power as being located with men.

Finally, by examining the vocabulary of PSEA codes it is possible to identify certain truths that these codes both imply already exist and work to create. PSEA codes tend to use terms endowed with strong negative connotations, such as 'exploitation' and 'abuse', which depict such behaviour as morally corrupt. By indicating that this behaviour is intolerable regardless of the intention or the circumstances, this terminology works to silence dissent and constrict dialogue. Similarly, the vocabulary used often implies consensus about the vulnerability and victimisation of the intended beneficiary, yet terms such as 'forced sex' and 'sexual slavery' work to create and reinforce these 'truths'. In such a way PSEA codes do not just represent a codification of an external reality, they also work to create and reinforce 'truth' that humanitarian workers are more likely to exploit or abuse the intended beneficiaries of aid when they do not recognise the imbalanced power relations at play.

Conclusion

Since 2001, there has been a growing consensus that sexual exploitation and abuse of intended beneficiaries by humanitarian workers is a real and widespread problem that requires governance. Given the limitations of the available legal options, codes of conduct have been promoted as a key tool for preventing SEA. As with any governance mechanism, PSEA codes of conduct can have both positive and negative effects, sometimes simultaneously. It is therefore critical to evaluate these codes, and how they operate, on a regular basis. This paper represents an in-depth study of NGO PSEA codes of conduct and how they function as a governance mechanism.

A survey of references to codes of conduct made on the websites of 100 humanitarian NGOs shows that 59 per cent of organisations made at least some reference to a code of conduct, and that 20 per cent had their own organisation-wide codes. References to third-party codes tend to be unclear about the process by and extent to which the organisation and humanitarian workers can be held to account to their commitments. Furthermore, these third-party codes do not generally cover sexual conduct. Only 13 of the 100 surveyed organisations had organisation-specific codes of conduct that contain substantive references to sexual conduct. Among these there was wide variation in the scope of applicability, types of sexual behaviour covered and level of enforceability. The often-poor visibility and lack of standardisation in the placement of codes of conduct on NGO websites limits their use as an accountability tool.

Speech act theory was used to interrogate the precise mechanisms through which PSEA codes affect social practice. PSEA codes are endowed with deontic power that obliges the NGOs and/or humanitarian workers to perform or not perform certain actions. PSEA codes are able to summon greater deontic power when they are signed and/or appended to employment contracts. While the removal of moral agency in the case of a violation represents a powerful threat to the legitimacy and funding of humanitarian NGOs, this is less powerful at the level of the individual. Improved communications and reference checks within the humanitarian NGO sector are required to maintain the deontic power of PSEA codes at the level of the individual. The deontic power of PSEA codes is further undermined by disagreement in the sector about what sexual behaviour is considered appropriate.

Drawing on Foucault's analytics of governance, this paper also analysed some specific features of the organisation-wide PSEA codes identified. A number of findings emerged from this analysis. First, responsibility for the governance of sexual behaviour is pitched either at the level of the individual or the organisation. Those based on the former promote reflection on and identification with the code, which is particularly important given the low level of direct constraint on humanitarian workers. When accompanied by adequate training and resources, codes that pitch responsibility at the level of the individual also help to protect NGOs from potentially damaging SEA scandals. Second, there is a distinction between PSEA codes that are built on a defensive reputation-based logic and those that appeal directly to a responsibility for humanitarian workers and NGOs to do no harm. If SEA itself, rather than the publicity of SEA, is to be governed, and ultimately prevented, doing no harm to intended beneficiaries must be placed front and centre. Third, PSEA codes construct the 'humanitarian worker' as the potential perpetrator who is in a position of power vis-à-vis the 'intended beneficiary' as the actual or potential victim who lacks power and agency. The construction of these identities ignores the often complex power dynamics at play in favour of the more cautious protection of intended beneficiaries. Fourth, PSEA codes tend to conflate consensual and coerced sexual activities. Removing this distinction eliminates the possibility of sex as anything other than abusive in these circumstances; it also removes the dignity and agency of

those intended beneficiaries who enter into such activities voluntarily. Finally, PSEA codes of conduct should not be considered neutral. On the contrary, it should be understood that they work to create and reinforce ‘truth’ that if humanitarian workers do not recognise the power imbalance at play when they engage with vulnerable people, they are likely to exploit or abuse the intended beneficiaries of aid.

The sexual exploitation and abuse of intended beneficiaries by humanitarian workers has been linked to a range of far-reaching consequences for the victim, the children born of SEA and their communities. Given the enormity of these consequences for the people humanitarian NGOs aim to assist, understanding how best to prevent SEA is paramount. While no universal code of conduct will ever fit every situation perfectly, NGO PSEA codes play an important role in setting an ethical standard that aims to minimise some of the more extreme forms of harm to the intended beneficiaries of aid.

Appendix: humanitarian organisations surveyed

Do not refer to a code of conduct (41)

Adventist Development and Relief Agency, African Network for the Prevention and Protection against Child Abuse and Neglect, Agence d’Aide à la Coopération Technique et au Développement (ACTED), All India Disaster Mitigation Institute, Amel, AmeriCares, Baptist World Alliance, Caritas International, Centre for Peace and Development Initiatives (CPDI), ChildFund International, Children First, Church of Sweden, Church’s Auxiliary for Social Action (CASA), Community and Family Services International, Doctors Worldwide, GOAL, Health Poverty Action, HealthNet International TPO, HelpAge International, HIJRA Somalia, International Medical Corps UK, International Medical Corps US, Khwendo Kor, KinderUSA, Kohsar Welfare and Education Society, Medica Mondiale, Mercy Corps, Médecins Sans Frontières, Naba’a, Office Africain pour le Développement et la Coopération (OFADEC), Oxfam America, Peacebuilding UK, Saibaan Development Organisation, Samaritan’s Purse, Scottish Catholic International Aid Fund, Society for Safe Environment and Welfare of Agrarians in Pakistan (SSEWA-PAK), Sustainable Environment and Ecological Development Society (SEEDS), WaterAid, Yakkum Emergency Unit (YEU), Shelter for Life International and Solidarités International.

Code of conduct not specified/not publicly available (4)

FinnChurchAid, Najdeh, PMU Interlife and Viva Network.

Refer to a third-party code of conduct (35)

ActForPeace, Action Against Hunger UK, Antareas Foundation, Australian Aid International, British Red Cross, CAFOD, CARE Australia, CARE International Secretariat, Cesvi, Church World Service, COAST Trust, Concern Universal, Concern

Worldwide, Cord, DanChurchAid, Focus Humanitarian Assistance, Human Relief Foundation, International Aid Services, Malteser International, Medair, Medical Aid for Palestinians, Merlin, Mines Advisory Group, Mission East, Muslim Aid Australia, Oxfam, People in Need, Sungi, TEAR Australia, Tearfund, Thailand Burma Border Consortium, Trócaire, Women's Refugee Commission, World Vision International, RedR UK,

Organisation-wide code of conduct and/or child protection code/PSEA code (20)

Christian Aid, Community Development Centre (CODEC), Danish Refugee Council (DRC), Diakonia, EveryChild, Inter-Church Organisation for Development Cooperation (ICCO), International Alert, International Committee for the Red Cross (ICRC), International Rescue Committee (IRC), International Save the Children Alliance, Islamic Relief, Lutheran World Federation (LWF), MERCY Malaysia, Muslim Aid UK, Norwegian Church Aid (NCA), Norwegian Refugee Council (NRC), Plan, Volunteer Service Overseas (VSO), War Child Netherlands and War Child UK.

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Endnotes

- ¹ Deontic power refers to the type of power invested in rights, duties, obligations, commitments, authorisations, requirements, permissions and privileges.
- ² Speech act theory differentiates between three parts of speech: the locutionary dimension (saying something), the illocutionary force (doing something by saying something) and the perlocutionary effects (the impact a statement has on the listener) (Kratochwil, 1989, p. 8). Speech act theory is primarily concerned with the illocutionary force: the idea that, by expression alone, certain utterances—speech acts—represent an act. The illocutionary force generates the deontic power of speech acts (Buzan et al., 1998, p. 17).
- ³ Including Keeping Children Safe Alliance, Humanitarian Accountability Partnership and People In Aid.

- ⁴ Including Australia, Denmark, Finland, France, Germany, India, Indonesia, Ireland, Lebanon, Malaysia, the Netherlands, Norway, Pakistan, Senegal, Somalia, Sweden, Thailand, the United Kingdom and the United States.
- ⁵ See Appendix 1 for a full list of surveyed organisations.
- ⁶ These included: Basic Rules of Humanitarian Aid Coordination Committee Germany, Micah Network Guidelines on Partnership, International Rescue Committee (IRC) Way Standards for Professional Conduct, International NGO Accountability Charter and Global Humanitarian Platform Principles of Partnership. Codes were also developed by: Association of International Development Agencies (AIDA), British NGO Network (BOND), ConCord, Dochas, EU-Cord, European Voluntary Service (EVS), Humanitarian Charter, European Commission: Humanitarian Aid and Civil Protection (ECHO), Fundraising Institute Australia (FIA), Indsamlingsorganisationernes Brancheorganisation (ISOBRO), InterAction and Verband Entwicklungspolitik Deustcher Nicht-Regierungs (VENRO).
- ⁷ It is possible to identify a spectrum of implied commitment from vague to firm. Terms such as 'signatory to' (Action Against Hunger, British Red Cross, CARE Australia, CARE International, CONCERN Universal, DanChurchAid, Human Relief Foundation, International Aid Services, Medair, Mines Advisory Group, Muslim Aid Australia and Oxfam), 'member of' (Cord) or 'have formally adopted' (Trócaire) express a strong commitment. At the other end of the spectrum the term 'guided by' (People in Need) is imprecise and expresses a much weaker commitment. Organisations that refer to third-party codes are generally weak at outlining how and to what extent the organisation can be held accountable to the code. Furthermore, these codes do not generally include PSEA. While the different terminology affects the level of deontic power expressed by these commitments, the voluntary nature of committing to and implementing these codes means that this distinction does not generally have legal implications.

The vocabulary used in referring to codes of conduct also implies a spectrum of achievement: from those that imply that the organisation is in the process of adhering to a code, such as 'aims to work according to' (CAFOD) and 'seeks to adhere to' (Sungi), to those that imply achievement, including 'complies with' (Thailand Burma Border Consortium), 'implements in line with' (Medical Aid for Palestinians) and 'designed and run according to' (Tearfund). While these 'process' verbs imply that not all aspects of the code have been implemented, in all cases it is unclear which aspects of the organisation's activities are compliant and which are not, thereby limiting their utility as a governance mechanism. 'Achievement' terms, by contrast, imply that the organisation is already fully compliant in all aspects of their work. These achievement terms run the risk of falling into what Dean calls the utopian trap of portraying governance as being fully effective (Dean, 1999, p. 33).

- ⁸ Organisations in this study that have a code of conduct and refer to a third-party code are: Christian Aid, EveryChild, Inter-Church Organisation for Development Cooperation (ICCO), International Save the Children Alliance, Islamic Relief, IRC, MERCY Malaysia, Muslim Aid and NCA. These codes include the ICRC Code, the ACT Alliance PSEA Code, PIA Code, BOND Code, Principles of Partnership of Global Humanitarian Platform and, in the cases of MERCY Malaysia, War Child UK and EveryChild, the Bulletin. Organisations in this study that have a code of conduct and do not refer to a third-party code are: CODEC, Diakonia, Danish Refugee Council (DRC), ICRC, International Alert, Norwegian Refugee Council (NRC), Plan, War Child NL and War Child UK.
- ⁹ Christian Aid, International Save the Children Alliance, Muslim Aid and Plan.
- ¹⁰ Organisations with codes applying to all employees/personnel include: EveryChild, Christian Aid, CODEC, International Save the Children Alliance, Islamic Relief, IRC, Lutheran World Federation (LWF), Muslim Aid, MERCY Malaysia, Norwegian Church Aid (NCA), NRC and Plan. Diakonia, DRC and War Child NL codes apply to some employees (generally those employed in overseas operations). Different sections of the War Child UK code apply to different

- personnel. The IRC code also applies to interns; the codes of EveryChild, Muslim Aid, NRC and War Child NL also apply to representatives of the organisation; EveryChild, IRC, Muslim Aid, MERCY, NRC and VSO codes also apply to volunteers; Plan and War Child NL codes also apply to people visiting programmes; and Muslim Aid and Islamic Relief codes also apply to partners.
- ¹¹ Christian Aid, CODEC, LWF, NCA, Plan and War Child UK.
- ¹² NRC, Plan and War Child UK.
- ¹³ Christian Aid, DRC, EveryChild, International Save the Children Alliance, LWF, MERCY Malaysia, Muslim Aid, NCA, NRC, Plan and War Child NL.
- ¹⁴ Christian Aid, CODEC, DRC, International Save the Children Alliance, Muslim Aid, NCA, NRC, Plan, War Child NL and War Child UK.
- ¹⁵ Christian Aid, Diakonia, DRC, EveryChild, LWF, NRC, Plan, VSO, War Child NL and War Child UK.
- ¹⁶ International Alert, ICCO, ICRC, Islamic Relief and LWF refer to a range of stakeholders including ‘donors and beneficiaries’ (LWF) and ‘our creator, our supporters, our beneficiaries, our colleagues, the authorities’ (Islamic Relief).
- ¹⁷ Christian Aid, CODEC, DRC, International Save the Children Alliance, NCA, NRC, Plan and War Child UK.
- ¹⁸ CODEC, DRC, International Save the Children Alliance, NCA and Plan.
- ¹⁹ The only reference to sexual conduct in the War Child NL Code is that ‘no signatory is permitted to have sexual relations or any relation with any beneficiary that could be deemed to be abusive’, while Islamic Relief sets out that ‘certain minimum standards of behaviour are observed in order to prevent sexual exploitation and abuse’.
- ²⁰ DRC, LWF, NCA, NRC and War Child UK.
- ²¹ NCA, NRC, LWF and War Child UK.
- ²² Christian Aid, DRC and War Child UK.
- ²³ NCA, LWF, NRC, DRC, War Child NL and War Child UK.
- ²⁴ Child Protection Officer, international humanitarian NGO. Interview with author, 28 May 2012, Geneva.
- ²⁵ ‘Have to’ is not strictly speaking a modal auxiliary verb, but in this case has similar characteristics.
- ²⁶ Further examples of the vocabulary/grammar used includes: ‘I will/must’ (Christian Aid, DRC, EveryChild and Plan); ‘I have a duty to’ (Muslim Aid); ‘our staff have a responsibility to’ (Islamic Relief); ‘I will not/never’ (Christian Aid, DRC, EveryChild, NCA, NRC, War Child UK and War Child NL); ‘it has never been acceptable to’ (NRC); ‘I will never knowingly’ (Christian Aid); ‘no signatory is permitted to’ (War Child NL); ‘staff must never’ (VSO); ‘you should not’ (Diakonia); and ‘it is prohibited to’ (Diakonia, LWF, NCA, NRC and War Child UK).
- ²⁷ Christian Aid, DRC, EveryChild and Plan.
- ²⁸ Christian Aid, DRC, EveryChild, NCA, NRC, War Child UK and War Child NL.
- ²⁹ The International Save the Children Alliance, for example, refers to a ‘commitment to protecting children’ while the NRC refers to the need to ‘help staff to ensure that we protect the communities we work with’.

References

- Amowitz, L. et al. (2002) ‘Prevalence of war-related sexual violence and other human rights abuses among internally displaced persons in Sierra Leone’. *Journal of the American Medical Association*. 287(4), pp. 513–521.
- Buzan, B., O. Wæver and J. Wilde (1998) *Security: A New Framework for Analysis*. Lynne Rienner Publishers, Boulder, CO, and London.

- Commission of Inquiry into the Deployment of Canadian Forces to Somalia (1995) *Dishonoured Legacy: The Lessons of the Somalia Affair: Report of the Commission of Inquiry into the Deployment of Canadian Forces to Somalia*. Commission of Inquiry into the Deployment of Canadian Forces to Somalia, Ottawa.
- Csaky, C. (2008) *No One to Turn to: The Under-reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers*. Save the Children UK, London.
- Danish Refugee Council (2007) *Danish Refugee Council Code of Conduct*. Danish Refugee Council, Copenhagen.
- Davey, C., P. Nolan and P. Ray (2010) *Change Starts With Us, Talk to Us*. Humanitarian Accountability Partnership International, Geneva.
- Dean, M. (1999) *Governmentality: Power and Rule in Modern Society*. Sage Publications, London.
- Ebrahim, A. (2003) 'Accountability in practice: mechanisms for NGOs'. *World Development*. 31(5), pp. 813–829.
- Edelson, D. (2001) 'The prosecution of persons who sexually exploit children in countries other than their own: a model for amending existing legislation'. *Fordham International Law Journal*. 25(2), pp. 483–517.
- Foucault, M. (1976) *The History of Sexuality: An Introduction*. Translated from the French by R. Hurley. Penguin, London.
- Foucault, M. (1981) 'Omnes et singulatim: towards a criticism of "political reason"'. In S. McMurrin (ed.) *The Tanner Lectures on Human Values*. University of Utah Press, Salt Lake City, UT. pp. 225–254.
- Foucault, M. (1991a) 'Governmentality'. In G. Burchell, C. Gordon and P. Miller (eds.) *The Foucault Effect: Studies in Governmentality*. Harvester Wheatsheaf, Hemel Hempstead. pp. 87–104.
- Foucault, M. (1991b) 'Questions of method'. In G. Burchell, C. Gordon and P. Miller (eds.) *The Foucault Effect: Studies in Governmentality*. Harvester Wheatsheaf, Hemel Hempstead. pp. 73–86.
- Foucault, M. (1993) 'About the beginning of the hermeneutics of the self'. Transcription of two lectures given in Dartmouth on 17 and 24 November 1980, introduced by M. Blasius. *Political Theory*. 21(2), pp. 198–227.
- Grady, K. (2010) 'Sexual exploitation and abuse by UN peacekeepers: a threat to impartiality'. *International Peacekeeping*. 17(2), pp. 215–228.
- Hall, R. (2010) 'Trust me, I promise! Kratochwil's contributions toward the explanation of the structure of normative social relations'. In O. Kessler, R. Hall, C. Lynch and N. Onuf (eds.) *On Rules, Politics and Knowledge: Friedrich Kratochwil, International Relations and Domestic Affairs*. Palgrave Macmillan, London. pp. 60–73.
- Harrington, A. (2005) 'Victims of peace: current abuse allegations against UN peacekeepers and the role of law in preventing them in the future'. *ILSA Journal of Comparative and International Law*. 12(630), pp. 1–35.
- Harrington, C. (2010) *Politicization of Sexual Violence: From Abolition to Peacekeeping*. Ashgate, Surrey.
- Hilhorst, D. (2002) 'Being good and doing good? Quality and accountability of humanitarian NGOs'. *Disasters*. 26(3), pp. 193–212.
- Jennings, K. (2010) 'Unintended consequences of intimacy: political economies of peacekeeping and sex tourism'. *International Peacekeeping*. 17(2), pp. 229–243.
- Kessler, O., R. Hall, C. Lynch and N. Onuf (2010) 'Introduction'. In O. Kessler, R. Hall, C. Lynch and N. Onuf (eds.) *On Rules, Politics and Knowledge: Friedrich Kratochwil, International Relations and Domestic Affairs*. Palgrave Macmillan, London. pp. 1–20.
- Kihunah, M. (2007) 'Building accountability: sexual abuse by UN peacekeepers'. *Disarmament Times*. New York. 1 April.
- Kratochwil, F. (1984) 'The force of prescriptions'. *International Organisation*. 38(4), pp. 685–708.
- Kratochwil, F. (1989) *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs*. Cambridge University Press, Cambridge.
- Lalor, K. (2004) 'Child sexual abuse in Sub-Saharan Africa: a literature review'. *Child Abuse and Neglect*. 28(4), pp. 439–460.

- Laville, S. (2009) 'Paedophile who worked for Save the Children jailed'. *The Guardian*. London. 29 July.
- Lemke, T. (2000) 'Foucault, governmentality, and critique'. Paper presented at the Rethinking Marxism Conference. Amherst, MA. 21–24 September.
- Lloyd, R., V. Calvo and C. Laybourn (2010) *Ensuring Credibility and Effectiveness: Designing Compliance Systems in CSO Self-regulation*. Briefing Paper No. 127. One World Trust, London.
- Martin, S. (2005) *Must Boys be Boys? Ending Sexual Exploitation and Abuse in UN Peacekeeping Missions*. Refugees International, Washington, DC.
- Maxwell, D. et al. (2008) *Preventing Corruption in Humanitarian Assistance*. Transparency International, Berlin.
- Mendelson, S. (2005) *Barracks and Brothels: Peacekeepers and Human Trafficking in the Balkans*. Center for Strategic and International Studies, Washington, DC.
- Morris, C. (2010) 'Peacekeeping and the sexual exploitation of women and girls in post-conflict societies: a serious enigma to establishing the rule of law'. *Journal of International Peacekeeping*. 14(1), pp. 184–212.
- Murphy, R. (2006) 'An assessment of UN efforts to address sexual misconduct by peacekeeping personnel'. *International Peacekeeping*. 13(4), pp. 531–546.
- Ndulo, M. (2009) *The United Nations Responses to the Sexual Abuse and Exploitation of Women and Girls by Peacekeepers during Peacekeeping Missions*. Cornell Law Faculty Publications, Paper 59. Cornell University, Ithaca, NY.
- Nishith, P., M. Mechanic and P. Resick (2000) 'Prior interpersonal trauma: the contributions to current PTSD symptoms in female rape victims'. *Journal of Abnormal Psychology*. 109(1), pp. 20–25.
- Nowrojee, B. (1996) *Shattered Lives: Sexual Violence during the Rwanda Genocide and its Aftermath*. Human Rights Watch, New York, NY.
- Otto, D. (2007) 'Making sense of zero tolerance policies in peacekeeping sexual economies'. In V. Munro and C. Stychin (eds.) *Sexuality and the Law: Feminist Engagements*. GlassHouse Press, London. pp. 259–282.
- Rudén, F. and M. Utas (2009) *Sexual Exploitation and Abuse by Peacekeeping Operations in Contemporary Africa*. The Nordic Africa Institute Policy Notes. Nordiska Afrikainstitutet, Uppsala.
- Searle, J. (2005) 'What is an institution?'. *Journal of Institutional Economics*. 1(1), pp. 1–22.
- Simm, G. (2011) *Aid for Sex: Humanitarian NGO Workers in West Africa*. Strengthening the Rule of Law through the United Nations Security Council, Working Paper No. 12. United Nations Security Council, New York, NY.
- Spees, P. (2004) *Gender Justice and Accountability in Peace Support Operations: Closing the Gaps*. Policy Briefing Paper. International Alert, London.
- Spencer, S. (2005) 'Making peace: preventing and responding to sexual exploitation by United Nations peacekeepers'. *Journal of Public and International Affairs*. 16(1), pp. 167–181.
- Stephenson, M. (2005) 'Making humanitarian relief networks more effective: coordination, trust and sense making'. *Disasters*. 29(4), pp. 337–350.
- UNHCR and Save the Children UK (2002) *Sexual Violence and Exploitation: The Experience of Refugee Children in Guinea, Liberia and Sierra Leone: Note for Implementing and Operational Partners*. UNHCR, New York, and Save the Children UK, London.
- UN Secretary General (2002) *Report of the Secretary-General on the Activities of the Office of Internal Oversight Services, Delivered to the General Assembly*. A/57/451. United Nations, New York, NY.
- UN Secretary General (2003) *Secretary General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse*. ST/SGB/2003/13. United Nations, New York, NY.
- War Child UK (2009) *Harassment and Sexual Harassment Policy*. War Child UK, London.
- Whitworth, S. (2005) 'Militarised masculinities and the politics of peacekeeping: the Canadian case'. In K. Booth (ed.) *Critical Security Studies in World Politics*. Lynne Rienner Publishers, Boulder, CO. pp. 89–108.
- Willitts-King, B. and P. Harvey (2005) *Managing the Risks of Corruption in Humanitarian Relief Operations: A Study for the UK Department for International Development*. Overseas Development Institute, London.