

functions.³⁶ Concurrently, the Security Council has consistently reaffirmed the principle of the non-use of force, hopelessly blurring the distinction between peacekeeping and peace enforcement.³⁷

Transgression of the principle of non-use of force has also assumed other alarming dimensions as reflected in the reports of rape by peacekeepers in Bosnia, Cambodia and the Gulf,³⁸ of child sexual exploitation in Mozambique;³⁹ and of torture of local petty thieves in Somalia, one of whom was actually killed by the peacekeepers. Yet it is surely inconceivable that these activities are consistent with the cardinal principle of the non-use of force. It would seem that defending the physical security of the local population, particularly when they are women and children, still does not figure in the security calculus and certainly does not extend to protection from the peacekeepers themselves. In this respect, the new world security order is hardly distinguishable from the gender blind security system of the Cold War years.

The discourse of global insecurity also legitimates the Security Council's exercise of power in its decision-making about which situations constitute a threat to international peace and security and how they will be responded to under chapter VII. We are to assume, as an article of faith, that the Council operates within restraints established by international law and with respect for human rights and fundamental freedoms. Yet Security Council decision-making lacks transparency,⁴⁰ can hardly

³⁶ Robert O Weiner and Fionnuala Ni Aolain, "Beyond the Laws of War: Peacekeeping in Search of a Legal Framework" (1996) 27 *Columbia Human Rights Law Review* 293, 321-323.

³⁷ The confusion has been compounded by the Security Council's increasing practice of formulating peacekeeping mandates using their chapter VII powers.

³⁸ Anne Orford, "The Politics of Collective Security" (1996) 17 *Michigan Journal of International Law* 373, 377. Orford also points out that it was officially acknowledged that 24 US servicewomen deployed in the Gulf were raped or sexually assaulted.

³⁹ *Ibid* 378. Orford cites Gayle Kirshenbaum, "Who's Watching the Peacekeepers?", *Ms Magazine*, May-June 1994, 12.

⁴⁰ *Ibid* 377-378.